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SUBJECT: WATERGATE

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Section 37, Serial 2394



FEDERAL BUREAU OF INVESTIGATION

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WATERGATE

BURGLARY OF THE DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS

6/17/72

BUFILE: 139-4089

SECTION: 37

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FEDERAL BUREAU OF INVESTIGATION

REC-102

REPORTING OFFICE SAN FRANCISCO	OFFICE OF ORIGIN WFO	DATE 6/20/73	INVESTIGATIVE PERIOD 6/19/73
TITLE OF CASE JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS WASHINGTON, D.C. 6/17/72		REPORT MADE BY COSBY J. MORGAN	TYPED BY SMG
		CHARACTER OF CASE IOC	

REFERENCE: SC teletype to BU, 6/18/73.

RUC

ENCLOSURES

TO BUREAU

Four (4) copies of civil action 526150 filed
San Francisco Superior Court in and for the County of San
Francisco on 10/22/62.

TO WFO

Two (2) copies of the above item.

35
 EX-102

ACCOMPLISHMENTS CLAIMED

NONE

CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES	ACQUIT- TALS

CASE HAS BEEN:

 PENDING OVER ONE YEAR ☐
 PENDING PROSECUTION
 OVER SIX MONTHS ☐

APPROVED

SPECIAL AGENT
IN CHARGE

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Dissemination Record of Attached Report

Agency	Request Recd.	Date Fwd.	How Fwd.
RECEIVED - 8-1	1 - S.P. Proc. Exp. 11/10	11/10/73	EXP. 11/10

Notations

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 2 - USA, Washington, D.C.

Report of: COSBY J. MORGAN
Date: 6/20/73

Office: San Francisco, California

Field Office File #: 139-142

Bureau File #: 139-4089

Title: JAMES WALTER MC CORD, JR.;
ET AL;
BURGLARY, DEMOCRATIC NATIONAL
COMMITTEE HEADQUARTERS
WASHINGTON, D.C.
Character: June 17, 1972

INTERCEPTION OF COMMUNICATIONS

Synopsis:

R. J. HARE, Assistant County Clerk for the Superior Court in and for the City and County of San Francisco, made available the original file of civil matter #526150 as it pertains to a civil suit involving Democratic State Central Committee, ET AL, plaintiff v. Committee for the Preservation of the Democratic Party in California, an unincorporated association, ET AL, defendant. A copy of this file in its entirety was made.

- RUC -

DETAILS:

ENCLOSURES

TO USA, WASHINGTON, D.C.

Two (2) copies of civil action Number 526150 filed San Francisco Superior Court in and for the County of San Francisco on October 22, 1962.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/30/80 BY SP4 JRM/OMS

FEDERAL BUREAU OF INVESTIGATION

Date June 20, 19731

R. J. HARE, Assistant County Clerk for the Superior Court in and for the City and County of San Francisco, California, made available the original file of civil matter Number 526150 as it pertains to a civil suit involving the Democratic State Central Committee, ET AL, plaintiff v. Committee for the Preservation of the Democratic Party in California, an unincorporated association, ET AL, defendant.

Mr. HARE advised that this civil action was filed in Superior Court, San Francisco on October 22, 1962.

A copy of this file in its entirety was made.

On 6/19/73 at San Francisco, California File # SF 139-142
by SAs DANIEL G. MAC DONALD
COSBY J. MORGAN : smg 2* Date dictated 6/20/73

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A 125 - 28
NOV 2 1964

MARTIN MONGAN, Clerk
By *Marathon*
Deputy Clerk

FILED

OCT 20 1964
MARTIN MONGAN, Clerk
J. J. [Signature]
Deputy Clerk

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6 Attorneys for Plaintiffs

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10 EXbrook 2-1869
11 Of Counsel for Plaintiffs

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
11 CITY AND COUNTY OF SAN FRANCISCO

12 DEMOCRATIC STATE CENTRAL COMMITTEE,
13 et al.,

Plaintiffs,

vs.

15 COMMITTEE FOR THE PRESERVATION OF
16 THE DEMOCRATIC PARTY IN CALIFORNIA,
17 an unincorporated association,
18 et al.,

Defendants.

NO. 526150

JUDGMENT

19
20 The above entitled matter came on regularly for hearing
21 on October 22, 1962, at which time the above entitled Court
22 issued a temporary restraining order against the defendant
23 Committee for the Preservation of the Democratic Party in
24 California, hereinafter called the defendant Committee, Joseph
25 Robinson, Robinson & Company Inc., a corporation, William Marlin
26 Ed Fitzharris, Harry J. Boyle, Austin Healy, Crocker-Citizens
27 National Bank, formerly Crocker-Anglo National Bank, Recorder
28 Printing and Publishing Company, a corporation, and Bernhard A.
29 Hansen, individually and as vice-president of said Recorder Printing and
30 Company. Thereafter the matter was continued from time to time
31 to November 2, 1962, at which time the Court issued a preliminary
32 injunction against the defendants above named. Pursuant to court

LETTERED BY
O'GARA AND O'GARA
1200 MILLS TOWER
SAN FRANCISCO 4
EXBROOK 2-2677

1 order the matter was then continued while plaintiffs herein took
2 depositions of persons not parties to this action. The matter
3 then came up for hearing before this Court, Department 5 thereof,
4 Honorable Byron Arnold presiding without a jury, and upon the
5 complaint (as amended to insert the names of certain appearing
6 defendants sued as fictitious defendants) and the above
7 defendants' demurrer, and Gerald J. O'Gara, Esq., Webster V.
8 Clark, Esq., and Gerald Marcus, Esq., appeared as counsel for
9 plaintiffs and Ralph Golub, Esq., appeared as counsel for the
10 defendants Joseph Robinson, Robinson & Company Inc., William
11 Marlin, Ed Fitzharris, Austin Healy and Harry J. Boyle., and
12 Almon B. McCallum, Esq. appeared for defendant Crocker-Citizens
13 National Bank, Formerly Crocker-Anglo National Bank, and Brobeck,
14 Phleger & Harrison by Robert Metz appeared for defendants
15 Recorder Printing and Publishing Company, and Bernhard A. Hansen,
16 individually and as Vice President of Recorder Printing and
17 Publishing Company. The Court having read the depositions of
18 six witnesses taken in San Francisco and Los Angeles and all said
19 depositions having been admitted in evidence and the Court having
20 examined the proofs, both oral and documentary, offered by the
21 respective parties, and further evidence having been presented
22 and admitted from time to time until October 30, 1964; and the
23 cause having on that date been submitted for decision, and the
24 Court having fully considered all the evidence and arguments of
25 counsel;

26 NOW, THEREFORE, the parties having waived notice of
27 time and place of trial and findings of fact and conclusions of
28 law herein except as specifically set forth herein and the Court
29 being fully advised in the premises hereby finds as facts the
30 matters set forth herein and from the facts so found makes the
31 conclusions of law set forth herein.

32

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. In October, 1961, Richard M. Nixon announced his candidacy for the governorship of California.

In October, 1962, a circular to Democrats was drafted which purported to express the concern of genuine Democrats for the welfare of the Democratic Party and their fear that the party would be destroyed if candidates supported by the California Democratic Council (hereinafter called the "CDC") including primarily Governor Brown, were elected in the

1 November 1962 election. It appealed for the support and money
2 of Democrats in fighting the CDC and certain policies attributed
3 to it and cast aspersions on the Democratic candidates endorsed
4 by it. It was drafted in the form of a postcard poll addressed
5 to Democrats. This postcard poll was reviewed, amended and
6 finally approved by Mr. Nixon personally in the form attached
7 hereto as Exhibit A. It criticized the policies of the CDC
8 and the Democratic candidates it supported, notably Governor
9 Edmund G. Brown, and asked the addressee Democrats to express
10 their preference either for Governor Brown and the other
11 statewide Democratic candidates or their Republican opponents,
12 headed by Mr. Nixon.

13 Nowhere in Exhibit A or letters mailed by defendant Committee
14 was it stated that the defendant Committee and its mailing
15 of Exhibit A were supported and financed by the Nixon for
16 Governor Finance Committee. Mr. Nixon and Mr. Haldemann
17 approved the plan and project as described above and agreed
18 that the Nixon campaign committee would finance the project.

19 Officials of the Nixon for Governor Committee then made an
20 agreement with defendants Robinson and Company, a corporation,
21 and Joseph Robinson, whereby for the sum of \$70,000 Robinson
22 and Company agreed to print, address and mail the postcard poll
23 as described above and to receive and compile the results of
24 the poll as indicated on the return postal cards.

25 In accordance with that agreement defendants Robinson
26 and Co. and Joseph R. Robinson mailed more than 500,000 postcards
27 to registered Democratic voters in California in the month of
28 October, 1962. That mailing continued until this Court enjoined
29 further mailings and enjoined compilation or publication of any
30 poll resulting from the distribution or mailing of the postcards.

31 As shown by the report of the Nixon for Governor Finance
32 Committee filed with the Secretary of State of California and

1 attached as Exhibit B, and by the testimony of members of the
2 Nixon Finance Committee and Campaign Committee, the Nixon campaign
3 paid \$70,000 to defendant Robinson and Company for its work in
4 connection with the distribution of the postcard attached as
5 Exhibit A and with the taking of this poll in the name of the
6 Committee for the Preservation of the Democratic Party in
7 California.

8 The financial support for the defendant Committee consisted
9 of the above sum contributed by the Nixon for Governor Finance
10 Committee and approximately \$368.50 which was contributed by
11 Democratic voters in response to the postcard and appeals circulated
12 and made by the defendants Robinson and Company, Joseph
13 Robinson, the defendant Committee and other defendants.

14 The executive secretary of the defendant Committee was
15 defendant William Marlin. He was paid \$750 for his services
16 by defendant Committee.

17 Defendant Ed Fitzharris was one of the publicists employed
18 by the defendant Committee. He was paid \$1000 for his services
19 on behalf of defendant Committee.

20 2. Plaintiff the Democratic State Central Committee, also
21 known as the California Democratic State Central Committee, is
22 the official committee of the Democratic Party in California.
23 The Democratic State Central Committee exists pursuant to the
24 Elections Code of California and conducts the business and
25 campaigns of the Democratic Party in California. It is the only
26 official statewide Democratic organization in the State of
27 California.

28 3. On December 10, 1962, John Robert White, as treasurer
29 of the Nixon for Governor Finance Committee 1962 General
30 Campaign caused to be filed with the Secretary of State of
31 California a General Campaign Statement. This statement Exhibit B
32 contained under heading "Expenditures for Payment of Personnel,

1 Item (d)" an entry as follows: "Robinson and Co. - \$70,000."

2 This payment was the largest single item of expenditure
3 for payment of personnel in the statement.

4 Defendant Robinson & Company received the above sum from
5 the Nixon for Governor Finance Committee for the mailing of the
6 double postcard attached hereto as Exhibit A and related services.
7 Payment was received by Robinson & Company in the form of two
8 checks drawn on the Nixon for Governor Finance Committee account,
9 one dated October 5, 1962, check No. 3530 for \$35,000, and one
10 on October 22, 1962, check No. 3837 for \$35,000.

11 Said checks are attached hereto as Exhibits C and C1
12 respectively.

13 4. All accounts and ledger sheets which defendants Joseph
14 Robinson and Robinson and Company/carried on behalf of the
15 defendant Committee were carried in the name of "Nixon for
16 Governor Campaign - (Committee for Preservation of Democratic
17 Party in California)" as reflected by the ledger sheet attached
18 hereto as Exhibit D.

19 All statements for the work performed by defendants Joseph
20 Robinson and Robinson and Company for and on behalf of the
21 defendant Committee were sent for payment to H. Robert Haldeman,
22 Campaign Manager of the Nixon for Governor Campaign Committee.

23 5. Richard Nixon in his campaign for the governorship of
24 California, felt that the postcard and poll, Exhibit A would be
25 very helpful to him since it reflected his own position concerning
26 the relationship of Democrats to the CDC.

27 The list of seven so-called objectives or viewpoints
28 purportedly held by the CDC, beginning with "Admitting Red
29 China into the United Nations" and ending with "Refusal to Bar
30 Communists from the Democratic Party," as recited in the postcard
31 Exhibit A were substantially the same as charges made repeatedly
32 by Mr. Nixon in his campaign speeches.

1 6. The defendant Committee for the Preservation of the
2 Democratic Party in California consisted at most of 20 or 30
3 members. Defendants Austin Healy and Harry J. Boyle were and
4 are co-chairmen of said Committee.

5 7. Defendant Joseph Robinson, president of defendant
6 Robinson and Company, Inc. is a professional political pollster and
7 fund raiser for campaigns. Defendant Robinson and his corporation
8 arranged for printing and handled the distribution of the postcard
9 Exhibit A.

10 8. In October, 1962 defendant Committee for the Preservation
11 of the Democratic Party in California and its members, agents
12 and/or employees, namely, defendants Joseph Robinson, Robinson and
13 Company, Inc., a corporation, William Marlin, Harry J. Boyle,
14 Austin Healy and Ed Fitzharris, directly and indirectly solicited
15 funds upon representations, express and implied, that the funds
16 were being solicited for the use of the Democratic Party.

17 In truth and fact, such funds were solicited for the use,
18 benefit and furtherance of the candidacy of Richard M. Nixon for
19 Governor of California.

20 None of the following persons gave their consent to the
21 Committee for the Preservation of the Democratic Party in
22 California to solicit funds for or on behalf of the Committee for
23 the Preservation of the Democratic Party in California or the
24 Democratic Party in California:

25 Stanley Mosk, Democratic National Committeeman
 from California;

26 Elizabeth Rudel Gatov, Democratic National
 Committee Woman from California;

27 Eugene Wyman, Chairman of the California
28 Democratic State Central Committee;

29 Roger Kent, Chairman of the Northern Division
 of the California Democratic State Central Committee;

30 John Kerrigan, Chairman of the Southern Division of
31 California Democratic State Central Committee.

32 Nor did any executive committee of any Democratic county central
committee wherein the solicitation was made given such consent.

1 9. Defendants Committee, Marlin, Robinson and Company,
2 Inc., Robinson, Boyle, Healy and Fitzharris made various
3 misleading statements as specified below in connection with said
4 postcard poll, Exhibit A, the letters of October 15, 1962 and
5 October 17, 1962 attached hereto as Exhibits E and E1
6 respectively, and the press releases attached hereto as Exhibits
7 H and H1.

8 (a) (Statement) That the Democratic Party or a
9 qualified Committee thereof or members of the Democratic Party
10 sincerely interested in preserving the Democratic Party were
11 mailing postcard Exhibit A to Democratic voters in order to
12 secure a poll of members of the Democratic Party answering the
13 questions on Exhibit A relating to said party and its candidates
14 and wished such Democratic voters to fill out the poll contained
15 therein and return it to the defendant Committee organized,
16 dedicated and operating for the preservation of the Democratic
17 party and/or to the Democratic Party.

18 (Fact) Neither the Democratic Party nor plaintiff
19 Democratic State Central Committee nor any qualified officer,
20 official or committee thereof or any member of the Democratic
21 Party primarily interested in its welfare or preservation had
22 any connection with or knowledge of or in any way sponsored or
23 approved the acts or conduct of defendants or any of them or
24 said postcard Exhibit A, the letters Exhibits E and E1 or said
25 poll. On the contrary plaintiffs representing said Democratic
26 Party opposed said postcard Exhibit A, letters Exhibits E and E1,
27 and said poll and the Committee's activities.

28 (b) (Statement) That the Democratic Party and its
29 fundamental and historic policies were and are in opposition to
30 the CDC and its policies.

31 (Fact) The Democratic Party and the CDC are
32 dedicated to the same basic general objectives and principles.

1 The Democratic Party is the official organization
2 and is represented by plaintiff Democratic State Central
3 Committee, constituted as set forth below in this paragraph 9,
4 subparagraph (f) below.

5 The CDC is an unofficial organization of volunteer
6 Democratic voters.

7 In a relatively few instances plaintiff Democratic
8 State Central Committee and the CDC have taken different
9 positions on specific issues.

10 In those cases, plaintiff Democratic State Central
11 Committee has not adopted or accepted the policies of the CDC.
12 On the other hand, it has not attempted to destroy the
13 independent character of the CDC by denying its members the
14 right to express their opinions.

15 (c) (Statement and Implication) That the Democratic
16 Party wished said voters to send money for the use and benefit of
17 the Democratic Party and its statewide candidates to the Committee
18 for the Preservation of the Democratic Party in California,
19 Crocker Anglo National Bank, One Montgomery Street, San Francisco,
20 California, and the defendant Committee was a bona fide
21 committee of Democrats organized for the sole purpose of
22 preserving the Democratic Party in California and was appealing
23 to and soliciting Democratic voters for contributions of money
24 to be used for the use, benefit and preservation of the
25 Democratic Party in California.

26 (Fact) The defendant Committee and its postcard
27 poll and its activities were financed by, for and in aid of
28 the campaign to elect Mr. Nixon Governor of California.

29 Defendant Marlin in a memorandum attached as
30 Exhibit I recorded the "queries I have had from the Press and
31 the way I am answering them" in part as follows:

32 "1. How are you being financed?

1 "A. We have appealed to Democrats throughout
2 the State, and so far their support has
3 been most encouraging and helpful. An
4 appeal has been sent to some 50,000
5 registered Democrats - along with a Poll
6 on their reactions to the CDC. We are
7 hopeful that we will receive enough
8 financial support to expand this list to
9 some one-million Democrats in California."

10 "2. Are you receiving any Republican money?
11 "A. We are not refusing any contributions --
12 and naturally, the Republicans are interested
13 in this campaign. We are considering
14 extending our fund-appeal to Republicans,
15 as we believe all citizens should be concerned
16 with the power-grabbing strategy of the CDC."

17 "9. Are you urging Democrats to support Nixon
18 and other Republican candidates?"

19 "A. We are not conducting a campaign for any
20 candidates. We are campaigning for the
21 preservation of the Democratic Party by
22 exposing the CDC's left-wing stands and
23 power-grabbing tactics. We are making a
24 plea to clean up the Democratic Party."

25 (d) (Statement) That the defendant Committee was a
26 bona fide committee of Democrats organized, dedicated and
27 operating for the sole purpose of preserving the Democratic
28 and Party, /desired and was sincerely endeavoring by the postcard
29 Exhibit A to secure a fair and representative poll of all
30 segments of the Democratic Party and to determine by such poll
31 the general sentiment of the rank-and-file members of the
32 Democratic Party toward the CDC, the policies of the CDC
33 and the statewide Democratic candidates, and to determine whether
34 members of the Democratic Party as a whole preferred to support
35 the named statewide Democratic candidates, and in particular
36 Governor Brown, or felt that in order to preserve their party
37 from control and domination of the CDC they should vote for
38 Republican candidates, and in particular for Richard M. Nixon
39 for governor of California.

40 That the results of the poll would reflect the
41 feelings of rank-and-file Democrats including liberal, progressive
42 and middle of the road Democrats as well as conservative Democrats.

1 (Fact) The activities of defendant Committee,
2 including its postcard poll, its letters and its publicity
3 releases, were instigated, financed, prepared, implemented,
4 supervised and executed by the Nixon for Governor Campaign
5 Committee and the Nixon for Governor Finance Committee.
6 This is evidenced by these facts:

7 The invoice dated September 19, 1962 from
8 defendant Robinson & Company Inc. to Nixon for Governor
9 Campaign Committee, attached as Exhibit G provided for a
10 "statewide mailing to 900,000 Conservative Democrats, also
11 handling and tabulating poll."

12 When returns were received from said postcard
13 poll, however, they were publicized by the defendant Committee
14 as representing the "voice of the rank and file Democrat."

15 In the publicity release attached as
16 Exhibit H, distributed^{to} and published substantially by various
17 California newspapers, dated October 20, 1962 for release
18 October 22, 1962, the defendant Committee stated in part:

19 "First returns of a Poll being circulated to more
20 than one hundred thousand Democrats throughout California
indicate that:

21 "Nine out of ten registered Democrats flatly reject
22 the 'ultra-liberal' California Democratic Council (CDC).

23 "The voice of the rank-and-file Democrat is now being
24 heard, and that voice is speaking out loud and clear
against the CDC and all it represents.

25 "Financial support has been pouring in from all
26 over the State, providing means of expanding our
Poll, and permitting thousands of rank-and-file
27 Democrats to express themselves on this imperative
question."

28 Defendant Committee failed to inform the Democrats
29 receiving the postcard poll Exhibit A and the public that said
30 poll actually was mailed to precincts consisting predominantly
31 of conservative Democrats.

32 In its publicity release attached as Exhibit H1,
distributed and published substantially by various California

1 newspapers, dated October 26, 1962 for release October 27, 1962,
2 the defendant Committee stated in part:

3 "The order Kent has obtained, prevents our Committee
4 from releasing to the Press the results of a valid
5 poll of some half-million registered Democrats in
6 California, on their reactions to domination of the
7 Party by the left-wing CDC (California Democratic
8 Council)."

9 For the reasons set forth above the questions in the
10 postcard Exhibit A confused and misled Democrats and produced
11 answers which served primarily the purpose of assisting Mr.
12 Nixon in his campaign.

13 (e) (Statement) That "Governor Brown...has become
14 their (referring to the CDC) captive." (Exhibit A).

15 (Fact) This statement is false.

16 (f) (Statement) That the CDC in the 1962 campaign
17 dominated and directed the Democratic Party and captured
18 and dominated Democratic nominees, the Democratic State
19 Convention, and leadership of the Democratic Party.

20 (Fact) The State Convention of the Democratic
21 Party is made up of nominees selected by the voters in free
22 and open primary elections. The Democratic State Central
23 Committee is made up of such nominees and their appointees
24 and the Chairmen of the 58 Democratic County Central Committees.
25 Such chairmen are duly elected by the members of their
26 respective committees who in turn are elected by the rank-and-
27 file Democratic voters. The officers of the Democratic State
28 Central Committee are elected by members of the Committee.
29 The nominees of the party and its officials are therefore directly
30 selected by the rank-and-file Democratic voter and in the case
31 of officers of the Democratic Party by representatives of the
32 rank-and-file voters.

10. The postcard Exhibit A, the letters Exhibits E and E1,
and the publicity releases Exhibits H and H1 were advertising

1 by the defendants Committee, Joseph Robinson, Robinson and
2 Company, Inc., Marlin, Boyle, Healy and Fitzharris for the
3 purpose of securing votes and money from members of the
4 Democratic Party.

5 They were misleading in the particulars stated in
6 paragraph 9 and elsewhere in this Judgment.

7 11. The postcard Exhibit A was a pamphlet and printed
8 matter having reference to the 1962 general election and to the
9 statewide candidates in said election and did not bear upon
10 its face the name or address of the printer or publisher.

11 12. By reason of the facts herein stated plaintiffs were
12 obliged to spend more than \$10,000 in pursuing this action
13 and enjoining the acts and conduct of said defendants Committee,
14 Marlin, Joseph Robinson, Robinson & Company, Inc., Boyle, Healy
15 and Fitzharris.

16 13. In response to the postcard Exhibit A and letters
17 Exhibits E and El, various Democratic voters contributed money
18 to said defendant Committee. The balance of such money so
19 collected amounts to approximately \$368.50 and is now on
20 deposit in the head office of the Wells Fargo Bank, 464 California
21 Street, San Francisco, in an account entitled "Roger Kent and
22 Gerald J. O'Gara, Trustees for the Democratic State Central
23 Committee."

24 The parties have stipulated that plaintiffs shall be
25 awarded damages in the sum of \$100 and costs in the sum of
26 \$268.50 (or balance remaining in said Wells Fargo Bank account
27 above described). All such damages and costs to be paid
28 exclusively from such account.

29 14. The temporary restraining orders and the preliminary
30 injunctions heretofore issued herein were properly issued by
31 reason of the facts set forth herein and the reasons set forth
32 in said temporary restraining order and preliminary injunction,

1 including the following reasons:

2 (a) Because of the location of defendants and their
3 agents in various widely separated parts of California, including
4 San Francisco and Los Angeles Counties, a multiplicity of suits
5 would have been necessary to secure damages.

6 (b) Any final judgment after November 6, 1962 would have
7 been ineffectual and a preliminary injunction after November 6,
8 1962 would have been of virtually no value compared to the
9 temporary restraining order issued October 22 and the preliminary
10 injunction issued November 2, 1962.

11 15. Unless restrained during this action and permanently
12 (except those defendants dismissed herein by stipulation)
13 enjoined by this Court, defendants/intended to and were and/or
14 are likely to

15 (a) Publish, post, mail, circulate and distribute the
16 postcard and writing in the form of Exhibits A, E and El attached
17 hereto or in some form substantially similar to said Exhibits.

18 (b) Publish, post, mail, circulate, reveal or
19 distribute results from the poll which they conducted or could
20 conduct by means of Exhibit A.

21 (c) Solicit, collect or accept money from Democratic
22 voters by using directly or indirectly a postcard, pamphlet,
23 folder, letter or writing in the form of Exhibits A, E and El
24 or forms substantially similar to said Exhibits.

25 (d) Use, appropriate, spend and disburse money
26 received from registered Democratic voters in response to or
27 in connection with said postcard Exhibit A, and letters Exhibits
28 E and El.

29 (e) Use in some manner or through some medium said
30 Exhibit A or the contents thereof and the matters or things
31 growing out of or resulting from the publishing, posting, mailing,
32 circulating or distributing of said Exhibit A or perform acts
in furtherance of or in connection with the activities set

all
1 forth in said Exhibit A. In this connection/defendants
2 represent that according to their best knowledge, information
3 and belief they do not have on hand, in their possession or
4 under their control at various United States Post Offices in
5 California or elsewhere postcards in the form of Exhibit A addressed
6 to various Democratic voters and not yet delivered, return
7 postcards part of said Exhibit A, tabulations of certain return
8 postcards/part of said Exhibit A or alleged polls based upon
9 such tabulations or other memoranda, correspondence or writings
10 purporting to show the opinions and positions of Democratic
11 voters on the candidates and issues mentioned in said postcard
12 Exhibit A.

13 However, defendants agree that if any such postcards,
14 return postcards, tabulations, polls, memoranda, correspondence
15 or writings are hereafter discovered by defendants and come
16 into their possession or under their control defendants will
17 cause all such material to be destroyed forthwith or will
18 without disclosing or publicizing the same to any person (other
19 than plaintiffs or to this Court) deliver the same to this
20 Court for safekeeping or destruction as the Court may determine
21 best.

22 16. Plaintiffs have filed herein undertakings of
23 corporate surety, Peerless Insurance Company, a corporation,
24 in due form as required by law in the sum of \$10,000 as a bond
25 given upon issuance of the temporary restraining order herein
26 and \$10,000 as a bond given upon issuance of the preliminary
27 injunction.

28 17. In this action service of the complaint and other
29 papers upon various defendants designated therein by fictitious
30 names was made in accordance with law as follows:

31	<u>Fictitious Name</u>	<u>True Name</u>
32	First Doe	Ed Fitzharris
	Third Doe	Austin Healy

	<u>Fictitious Name</u>	<u>True Name</u>
1		
2	Fourth Doe	Robinson and Co., Inc.
3	Eighth Doe	William Marlin
4	Ninth Doe	Crocker-Anglo National Bank
5		of San Francisco, now Crocker-
6	Thirteenth Doe	Citizens National Bank
7		Recorder Printing and
8	Fourteenth Doe	Publishing Company, a corporation
9		Bernhard A. Hansen, individually
10		and as vice-president of Recorder
11		Printing and Publishing Company

12 18. All parties hereto have stipulated that this action
13 shall be dismissed upon entry of judgment as to defendants,
14 Joseph Robinson, individually,
15 Crocker-Anglo National Bank, now Crocker Citizens National Bank
16 of San Francisco, Recorder Printing and Publishing Company, and
17 Bernhard A. Hansen, individually and as vice-president and
18 general manager of Recorder Printing and Publishing Company, a
19 corporation, and
20 upon plaintiffs and said dismissed defendants
21 exchanging mutual releases.

22 19. The postcard, Exhibit A, and the letters of
23 October 15, 1962 and October 17, 1962, Exhibits E and E1
24 respectively, were instigated, written, financed and published
25 by supporters of Richard M. Nixon as a candidate for governor
26 of California, and their agents, including defendants Committee,
27 Marlin, Robinson & Company, Inc., Joseph Robinson, Boyle, Healy
28 and Fitzharris.

29 20. The paramount purpose for organizing the Committee for
30 the Preservation of the Democratic Party in California and its
31 related postcard, poll and activities was to obtain from
32 registered Democrats votes and money for the campaign of
Richard M. Nixon.

21. Plaintiff Democratic State Central Committee, also
known as the California Democratic State Central Committee, as
the official Committee of the Democratic Party in California and
the only official statewide Democratic organization in the State
of California, was and is entitled to bring and prosecute this
action.

Plaintiffs Roger Kent and Elizabeth Rudel Gatov have brought and were and are entitled to bring and prosecute this action in behalf of themselves individually and in their official capacities respectively, (namely, Roger Kent as vice-chairman and member of the Executive Committee of the Democratic State Central Committee and now State Chairman of said Committee and Elizabeth Rudel Gatov as Democratic National Committeewoman for California) in behalf of all registered California Democratic voters and members and officers of the Democratic State Central Committee and its statewide candidates at the 1962 General Election.

22. Defendants Committee and its members, agents and/or employees, namely, defendants , Robinson & Company, Inc., a corporation, Marlin, Boyle, Healy and Fitzharris directly and indirectly solicited funds upon representations, express and implied, that the funds were being solicited for the use of the Democratic Party. This solicitation was in violation of Section 12301 of the Elections Code of the State of California.

None of the persons or Democratic Party officials or Democratic County Central Committees required to give such consent by said Section 12301 consented to such solicitation.

23. The acts and conduct of said defendants Committee, Marlin, , Robinson & Company, Inc., Boyle, Healy and Fitzharris, and each of them in circularizing members of the Democratic Party for votes and funds through the use of the postcard, Exhibit A and the letters of October 15, 1962 and October 17, 1962, respectively, Exhibits E and El, constitute misleading advertising in the particulars stated in paragraphs 9 and 10 and elsewhere herein.

Such acts and conduct were and are subject to restraint by temporary restraining order, preliminary injunction and

1 permanent injunction under the provisions of Civil Code Section 3369
2 of the State of California.

3 24. Failure of said defendants Committee, Marlin,
4 Robinson & Company, Inc., Boyle, Healy and Fitzharris
5 to print the name and address of the printer or publisher on the
6 face of the postcard Exhibit A was a violation of Section 11592
7 of the Elections Code of the State of California.

8 25. Plaintiffs were damaged in a sum exceeding \$10,000
9 which plaintiffs were obliged to spend in pursuing this action
10 and enjoining the a.b.o.v.e recited acts of the defendants
11 Committee, Joseph Robinson, Robinson & Company, Inc., a
12 corporation, Marlin, Boyle, Healy and Fitzharris.

13 26. The sum of approximately \$368.50 collected from
14 Democrats in response to the postcard Exhibit A and letters
15 Exhibits E and El is now on deposit at the head office of the
16 Wells Fargo Bank, 464 California Street, San Francisco, California,
17 in an account entitled "Roger Kent and Gerald J. O'Gara, Trustees
18 for the Democratic State Central Committee. "

19 By stipulation plaintiffs shall be awarded \$100 as
20 damages and \$268.50 for costs. The payment of these sums shall
21 be made exclusively from said Wells Fargo Account. Judgment for
22 such sums is hereby awarded against defendants Committee,
23 Robinson & Company, Inc., a corporation, Marlin, Boyle, Healy and
24 Fitzharris.

25 27. For the reasons stated herein plaintiffs were entitled
26 to the temporary restraining order issued October 20, 1962
27 restraining defendants Committee, Joseph Robinson, Robinson &
28 Company, Inc., a corporation, Marlin, Fitzharris, Boyle, Healy,
29 Crocker Anglo National Bank of San Francisco, a corporation,
30 Recorder Printing and Publishing Company, a corporation, and
31 Bernhard A. Hansen, individually and as vice president of the
32 Recorder Printing & Publishing Company. Said temporary

1 restraining order was regularly and properly issued and the
2 issuance thereof is hereby approved and confirmed.

3 For the reasons stated herein, plaintiffs were
4 entitled to the preliminary injunction issued November 2, 1962,
5 restraining the same defendants. Said preliminary injunction
6 was regularly and properly issued and the issuance thereof is
7 hereby approved and confirmed.

8 28. For the reasons set forth herein, plaintiffs are entitled
9 to and are hereby granted a permanent injunction forbidding
10 defendants Committee, Marlin, Robinson & Company, Inc., Boyle,
11 Healy and Fitzharris to

12 (a) Publish, post, mail, circulate or distribute the
13 postcard and writings in the form of Exhibits A, E and El
14 attached hereto or in any form substantially similar to said
15 Exhibits.

16 (b) Publish, post, mail, circulate, reveal or
17 distribute results from the poll which said defendants conducted
18 or could conduct by means of Exhibit A.

19 (c) Solicit, collect or accept money from Democratic
20 voters by using directly or indirectly a postcard, pamphlet,
21 folder, letter or writing in the form of Exhibits A, E and El
22 or forms substantially similar to said Exhibits.

23 (d) Use, appropriate, spend or disburse money received
24 from registered Democratic voters in response to or in connection
25 with said postcard Exhibit A, or letters Exhibits E and El.

26 (e) Use in any manner or through any medium said
27 Exhibit A or the contents thereof and matters or things growing
28 out of or resulting from the publishing, posting, mailing,
29 circulating or distributing of said Exhibit A, or perform acts
30 in furtherance of or in connection with the activities set
31 forth in said Exhibit A.

32 29. The bonds heretofore filed by plaintiffs and their

1 corporate surety, Peerless Insurance Company, as required by the
2 Court for issuance of the temporary restraining order and
3 preliminary injunction are hereby exonerated and said plaintiffs
4 and said surety are hereby discharged and exonerated from any
5 liability to any of the defendants/herein growing out of or
6 connected with the filing or prosecution of this action or the
7 issuance of said temporary restraining order or preliminary
8 injunction.

9 30. Pursuant to the stipulation by all parties hereto,
10 this action shall upon entry of judgment be dismissed as to
11 Joseph Robinson, individually,
12 defendants/Crocker-Anglo National Bank, now Crocker Citizens
13 National Bank of San Francisco, Recorder Printing and Publishing
14 Company, a corporation, and Bernhard A. Hansen, individually
15 and as vice-president and general manager of Recorder Printing
16 and Publishing Company, a corporation, when plaintiffs and said
17 dismissed defendants exchange mutual releases.

18 31. To the extent there is any conflict between earlier
19 orders of this Court and only to that extent, this judgment
20 immediately upon filing,
21 and permanent injunction/shall supersede the orders of this
22 Court restraining and enjoining the above named defendants.

23 32. The stipulations of the parties herein and in the
24 stipulation attached, are hereby approved, confirmed and made
25 a part of this judgment.

26 33. Except as herein specifically set forth, each party,
27 (including defendants dismissed) shall pay his or her own costs,
28 expenses and attorneys' fees.

29 34. Service of a copy of this judgment shall be effective
30 upon delivery to the attorneys for said respective defendants
31 of a certified copy of this judgment with the same force and effect
32 as if such copy were personally served upon such defendants.

Done in open Court October 30, 1964.

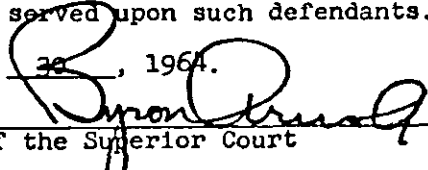

Judge of the Superior Court

EXHIBIT A

In view of the increasing domination of the Democratic Party by the CDC (California Democratic Council), we are anxious to obtain an opinion sampling of California Democrats. Please fill out and mail before October 23.

	Do you	Do you
	Yes	No
Admitting Red China into the United Nations	<input type="checkbox"/>	<input type="checkbox"/>
Moratorium on U.S. nuclear testing	<input type="checkbox"/>	<input type="checkbox"/>
Allowing subversion the freedom of college campuses	<input type="checkbox"/>	<input type="checkbox"/>
Abolition of State and Federal loyalty oaths	<input type="checkbox"/>	<input type="checkbox"/>
Abolition of the House Committee on Un-American Activities	<input type="checkbox"/>	<input type="checkbox"/>
Foreign aid to countries with Communist governments	<input type="checkbox"/>	<input type="checkbox"/>
Complete national disarmament as ultimate goal	<input type="checkbox"/>	<input type="checkbox"/>
Refusal to bar Communists from the Democratic Party	<input type="checkbox"/>	<input type="checkbox"/>
4. Who in your opinion will win in November?		
Column 1	Column 2	Column 3
Brown	Rose	Richards
Nixon	Jordan	Kuchal
Anderson	Granston	Richardson
Christopher	Reagan	Rafferty
Most	Betts	
Coakley	Busterud	

If you, too, feel it important to preserve our Democratic processes and cut off the CDC handoffs, please send a contribution today to the Treasurer, Committee to Preserve the Democratic Party in California, Crocker Anglo Bank, One Montgomery Street, San Francisco, California. And please write us your views.

Committee for the Preservation of the Democratic Party in California

BULK RATE
U.S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8072

A Communication
of Extreme Importance
from the
Committee for the
Preservation of the
Democratic Party
in California

This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or wearily, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would veto any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party? Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own? We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. Whatever we do, in the name of the Democratic Party—

Let's Not Deflect California to the CDC!

Committee for the Preservation of the Democratic Party in California
National Office: 607 S. Grand, Los Angeles • Central Consular Bldg. 407 Market St. San Francisco

TEAR OFF HERE - DO NOT MAIL AFTER OCTOBER 23, 1962

Postage
Will Be Paid
by
Addressee

No
Postage Stamp
Necessary
If Mailed in the
United States

BUSINESS REPLY MAIL

First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California

EXHIBIT A

FRANK M. JORDAN
SECRETARY OF STATE



Office of the
Secretary of State
SACRAMENTO

Case No. L. A. Sub 819,534
S.F. 526,150
Pltfs Exhibit No. A

DATE JUN 18 1963

ANN LEVITIN, C.S.R.

I, FRANK M. JORDAN, Secretary of State of the State of California, hereby certify:

That the transcript hereunto annexed, under heading "Nixon for Governor Finance Committee - 1962 General Campaign Statement" -- with first name thereon being Carol Arth and last name thereon being Helen Gale, is a true copy of one page of the December 10, 1962, Campaign Statement filed in this office on December 11, 1962;

That said Campaign Statement was filed on behalf of John Robert White, shown therein as the Treasurer of said Nixon for Governor Finance Committee.

IN WITNESS WHEREOF, I hereunto set
my hand and affix the Great Seal
of the State of California this
17th day of January, 1963.

FRANK M. JORDAN
Secretary of State

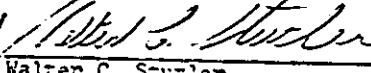
By 
Walter C. Stutler
Assistant Secretary of State

EXHIBIT B

NIXON FOR GOVERNOR FINANCE COMMITTEE
1962 GENERAL CAMPAIGN STATEMENT

ITEM (a) - EXPENDITURES FOR PAYMENT OF PERSONNEL

Campaign managers

Carol Arth	\$ 5,000.00
Charles Farrington	6,250.00
Harry Waldeman	13,750.00
Herbert Kalmbach	1,533.18
John Kalmbach	5,000.00
Alvin Koscow	9,000.00
William Spencer	1,000.00
Louis Quinn	8,795.45
Daniel C. Waters	6,032.09
	<u>\$ 57,362.72</u>

Advertising agencies and publicity agents

Joseph Agnello	\$ 6,360.00
Lennie Blondheim	4,079.80
Bozell & Jacobs Inc.	29,094.49
Braun & Co.	3,000.00
Robert Carvajal	1,023.75
Thomas Caton	1,241.34
H. Blake Chatfield	1,500.00
Frank DeMarco	1,150.00
Stenhen Hess	15,000.00
D. Hunter	5,000.00
Herbert Klein	3,000.00
Victor Lasky	3,000.00
Phillip W. Moore	2,500.00
Richard Quinn	4,290.91
Robinson & Co.	70,000.00
Al Weinberg	4,254.55
Jay Williams	85.00
W. K. Wilson	900.00
Ronald Ziegler	3,218.18
	<u>\$ 158,947.62</u>

Stenographers and clerks

Marjorie Acker	\$ 3,811.36
Daphne Alley	2,052.27
Julie Anderson	956.25
Nancy Arth	468.00
Bonita Bailey	278.47
Joan Baldesarre	1,500.00
Barbara Baskerville	250.00
Wilma Battle	900.00
Lance Bozwell	36.00
Charles Brammer	2,679.00
John Carley	50.00
Joan Carroll	709.09
Rowland Carter	1,473.73
Dwight Chapin	2,059.09
Barbara Clem	1,437.50
Gladys Crane	16.00
Elby Cuniberti	620.00
Jane Dannenhauer	3,518.18
Peter Decker	120.00
Jean Dewey	2,400.00
Anna Mae Eckhoff	80.00
Dorothy Elliott	1,012.50
Virginia English	161.77
Paul Ensel	403.13
Norene Evans	435.00
John FitzRandolph	487.50
Helen Gale	1,600.00

NOTES

Lawful expenses are limited to expenses for those purposes only which are set forth in the first column on the inside pages of this form.

11500. Expenses must be lawful. Neither a candidate nor committee nor any body of superior authority in which the committee is subject, whether before, during or after an election or primary, may directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses.

Note particularly the following pertinent sections of the Elections Code:

11501. Candidate defined. "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, or hospital district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this State. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

11501. Candidates Municipal Office. A candidate or nominee for a municipal office or for election to the office of director of a hospital district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars (\$200). However, elected candidates or candidates nominated at a primary election shall file a written declaration to that effect if their campaign receipts and expenses do not exceed two hundred dollars (\$200).

11502. "Committee." "Committee" means a committee or group of persons organized for the purpose or charged with the duty of conducting the election campaign of any political party or of any candidate or group of candidates.

11503. Committee shall appoint treasurer. Each committee shall appoint a treasurer who shall receive, disburse, and keep a true account of all money contributed and disbursed for campaign purposes, and who shall, in the same manner and on the same type of forms as required of candidates, file a campaign statement. The county clerk, upon request, shall furnish the treasurer with the necessary forms for submitting the campaign statement required of him by this section.

11504. Candidate may act as campaign treasurer. A candidate may act as the campaign treasurer of his committee but may not act as treasurer for another candidate. When acting as a campaign treasurer, the candidate may sign the campaign statement of the committee.

11505. Campaign statement necessary: Verification. Except as provided in Section 11501, each candidate and the treasurer of each committee shall make and file a campaign statement following the election or primary, as the case may be.

A campaign statement filed with respect to a primary election shall be verified. The verification shall state that the candidate or treasurer has used all reasonable diligence in its preparation, and that it is true and is as full and explicit as he is able to make it.

11506. Responsibility for illegal payment. If a candidate at any election other than a primary seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out that illegal payment in the campaign statement and disclaim responsibility for it.

11507. Time for filing statement. All candidates for either nomination or election and the treasurer of each committee shall file their campaign statements within 25 days after the election or primary, or not later than the day preceding the day upon which the candidate takes office, whichever first occurs.

11508. Where filed. Candidates for office to be filled by the voters of the State or of any political division greater than a county, for Members of the Senate or Assembly, Representative in Congress, members of the State Board of Equalization, or judges of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the office of the Secretary of State and one copy with the clerk of the county in which the candidate resides.

Candidates for all other offices, except municipal and hospital district offices, and treasurers of committees for those candidates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held.

11509. Municipal candidates. Candidates for municipal offices and treasurers of committees for those candidates shall file one copy of their campaign statements, or written declarations as required in Section 11501, in the office of the clerk of the city in which the election is held.

11509. Hospital District Candidates. Candidates for hospital district offices and treasurers of committees for those candidates shall file one copy of their campaign statements, or written declarations as required in Section 11501, in the office of the secretary of the district in which the election is held.

11510. Certificate of nomination issued after filing. No officer shall issue any certificate of nomination or election to any person until his campaign statement or the written declaration required in Section 11501 has been filed. No other statement of expenses shall be required. The officer with whom campaign statements or written declarations must be filed pursuant to Sections 11504, 11508, or 11509 shall send to the candidate, not more than three days after the election, the necessary forms for submitting his campaign statement.

11511. No fees. No fee or charge shall be made or collected by any officer for the verifying, filing, or recording of any campaign statement.

11512. Preservation of statements. Campaign statements shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term. Thereafter they may be destroyed by that officer.

See also Elections Code Sections 11500 through 11431, and Sections 12000 through 12037.

Sections 11501 through 11021. Eriqson Cook and Marlon Hill, Club of Five Friends

(Article not word applicable)

at the election held on the sixth day of November, 1962

Receipts

FILED
In the Office of the Secretary of State
of the State of California
OCT 1 1964
JAMES E. BECKWITH, Secretary of State
[Signature]

Page No. 152

NIXON FOR GOVERNOR FINANCE COMMITTEE
1962 GENERAL CAMPAIGN STATEMENT

ITEM (a) - EXPENDITURES FOR REPAYMENT OF LOANS

Mrs. Susan V. Buckingham	\$ 10,000.00
Jack Drown	10,000.00
J. R. Fluor	10,000.00
J. S. Fluor	10,000.00
Stanley Freeman	10,000.00
H. L. Hoffman	10,000.00
Truman Johnson	10,000.00
Charles Jones	10,000.00
Willard Keith	10,000.00
Henry Kearns	10,000.00
Henry T. Mudd	10,000.00
Thomas Pike	10,000.00
J. D. Robinson	5,000.00
Robert Rowan	5,000.00
Henry Salvatori	10,000.00
Dana C. Smith	5,000.00
Edward R. Valentine	60,000.00
Mrs. Louie C. Valentine	7,000.00
United California Bank - interest	2,786.00
	<u>\$214,786.00</u>

Expenditures

FURNISH AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXTENDED	NAME OF PERSON OR PERSONS TO WHOM PAID OR INCURRED AND SERVICE PERFORMED AND BY WHOM
(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.	\$ None	
(b) For the candidate's and campaign personnel's personal travelling expenses.	109,971.51	See schedule attached
(c) For rent, furnishing and maintaining headquarters, and halls and rooms for public meetings, including light, heat, and telephone.	60,934.10	See schedule attached
(d) For payment of personnel: 1. Campaign manager or managers. 2. Advertising agency or agencies and publicity agent or agents. 3. Stenographers and clerks. 4. Precinct workers. 5. Speakers. 6. Entertainers. 7. Payroll taxes 8. Republican State Research Center	341,972.34	See schedule attached
(e) For the preparing, printing, and posting of billboards, signs and posters.	112,141.81	See schedule attached
(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.	92,665.59	See schedule attached
(g) For newspaper advertising.	30,248.54	See schedule attached

Expenditures (Continued)

NUMBER AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR PERSONS TO WHOM PAID OR DISBURSED AND SERVICE PERFORMED AND AT WHICH
(h) For radio and television advertising and speech time.	\$15,696.31	See schedule attached
(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.	29,333.12	See schedule attached
(j) For making canvasses of voters, and public opinion surveys.	5,000.00	See schedule attached
(k) For conveying voters to and from the polls.	None	
(l) For supervising the registration of voters.	None	
(m) For watching the polling and counting of votes cast.	None	
(n) For photographs, mats, cuts, art work, and displays.	8,379.17	See schedule attached
(o) For petty cash items relative to candidacy.	1,523.66	Various campaign office personnel as petty cash custodians.
(p) Loans repaid, including interest	214,786.89	See schedule attached
Total amount expended...	\$1,221,653.04	

I have used all reasonable diligence in the preparation of this statement and it is true and is as full and explicit as I am able to make it.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed by me at Los Angeles, California, this 10th day

of December, 1962

*All bills received as of November 21, 1962 are reflected herein. However, it is believed that certain telephone and travel bills remain outstanding, receipt of which will necessitate the preparation of an amended statement of expenditures.

John Robert White
Signature of Treasurer

SIXTH AND GRAND OFFICE
UNITED CALIFORNIA BANK
534 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA

NIXON FOR GOVERNOR

FINANCE COMMITTEE
530 WEST DUTH STREET
LOS ANGELES 14, CALIFORNIA

10-282
1220

No 3530

LOS ANGELES, CALIF. October 5 1962

PAY THIRTY FIVE THOUSAND AND NO/100- DOLLARS \$ 35,000.00

TO THE
ORDER
OF

CASE No. S. RA 7819, 934
S. P. #526, 150
Pltfs Exhibit No. B-1

ROBINSON & COMPANY INC. For Identification in Evidence

DATE JUN 18, 1963

BY *Am Levin* *Walter Taylor*

122000025 ANN LEVIN, CSR.

0003500000

PAY TO THE ORDER OF
Crocker First National Bank
OF SAN FRANCISCO
ROBINSON & COMPANY, INC.

PAY TO THE ORDER OF
CROCKER FIRST NATIONAL BANK
OF SAN FRANCISCO
1617 CALIFORNIA BLVD
SAN FRANCISCO, CALIF.

OCT - 962 011 0005

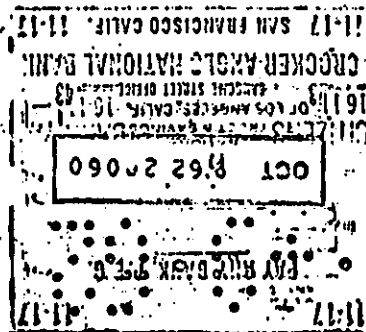


EXHIBIT C

31

32

AM OFFICES OF
ARA AND O'DARA
1888 MIKE TOWER
N FRANCISCO 4
1888 2-2877

SIXTH AND GRAND OFFICE
UNITED CALIFORNIA BANK
634 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA

NIXON FOR GOVERNOR
FINANCE COMMITTEE
520 WEST SIXTH STREET
LOS ANGELES 14, CALIFORNIA

16-282
1920

Nº 3837

LOS ANGELES, CALIF. October 22 1962

PAY THIRTY FIVE THOUSAND AND NO/100-----DOLLARS \$ 35,000.00
BASE No. L.A. #819,534
ORDER S.F. Sup. Ct #526,150
Rtts Exhibit No. C-1

Payable to the order of ROBINSON & COMPANY, INC.

DATE JUN 18 1963

ANN LEVITIN, C.S.R.

122000282114951293711

#0003500000

PAY TO THE ORDER OF
Cocker First National Bank
OF SAN FRANCISCO
ROBINSON & COMPANY, INC.

PAY TO THE ORDER OF
UNITED CALIFORNIA BANK
LOS ANGELES, CALIF.

2962 011 0023

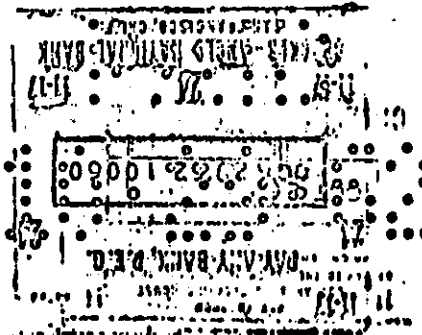


EXHIBIT C - 1

31

32

AN OFFICE OF
ARA AND O'BARA
1800 HILLS TOWER
SAN FRANCISCO 4
CABLE 2-2677

ACCOUNT NO. 160-72 ACCOUNT

SHEET NO.

SHEET NO.

ACCOUNT

Nixon Jr

Insurance	Transport	Auto	Phone	Postage	Printing	Travel	Rent	Contracts	Salaries	Income
11080	99326	19037	1405	1000000	1000000	9121299478	5176	7500		93
				750000	86932	518707	7500	103059	111110	100000
					100000	4258		50860	523225	
				150000	14828	70933	19791			
				500000		16871				
							10477	700125	995000	
										102156
11050	99326	19037	1405	1000000	375000	9121323473	66617	415125	678919	634335
						1000008				7102156

Shoreline Comm. for Preserv. Item 105

ACCOUNT NO

DESCRIPTION	POST. REF.	CHARGES	CREDITS	DO. OR CR.	BALANCE
01	CR11	12698			12698
01	CR16		7000000		6989362
01	CR17	3268297			3517025
01	CR16		86222		3603247
01	CR17	1156643			2446604
01	CR15	100000			2346604
01	CR16		4288		2389492
01	CR17	143306			2246186
01	CR16	226571			1982415
01	CR16	80000			1902415
01	CR17	438602			1463813
01	CR16		102156		1565969
01	CR17	190008			1755977
01	CR17	1409831			1895964

COMMITTEE FOR THE PRESERVATION OF THE #4
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1962

Dear fellow American:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

It is not an easy step to take. But this Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. The facts are, The CDC (California Democratic Council), which has espoused:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election time, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you!

Sincerely

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

Don't Deliver California to the CDC!

Exhibit 18(E)(19)

CAMPAIGNS PLANNED AND EXECUTED • SURVEYS, ECONOMIC, INDUSTRIAL & POLITICAL
INITIATIVE AND REFERENDUM CAMPAIGNS

ROBINSON & COMPANY INC.

ADVERTISING

830 MARKET STREET, PHONE YUKON 6-4196, YUKON 6-1418 OR YUKON 6-1419, SAN FRANCISCO 2

September 19, 1962

TO: Nixon For Governor Campaign Committee
Los Angeles, California

ATTENTION: ROBERT HALDEMAN, CAMPAIGN

CASE No. J.R. 819,534

Serial 525-150

FIRS EXHIBIT No. B-3

Permit to Publish in Evidence

DATE JUN 16 63

Statewide mailing to 900,000 Conservative Democrats;
also handling and tabulating Poll:

900,000 Double Post Cards, addressed to conservative Democrats, one to
a family, throughout California;
8 1/2 x 11, printed two colors, stock as selected;
prepaid third class postage on mail going out at 2 1/2¢ each;
prepaid postage on returns up to 10% of mailing at the rate of 6¢ each,
first class postage;
assort by cities, tie and mail per agreement dated September 12, 1962,

Total for complete mailing-----\$94,500.00

* * *

We understand that there is a present shortage of funds which Mr. Haldeman
feels probably will be corrected in the course of the work. Under the
circumstances, however, in order not to incur any indebtedness beyond
the ability of the campaign to pay, we will halt the job when we have
completed the appeal to only 2/3 of the Conservative Democrats of the
State, and have spent up to \$60,000. At this point in the work, which
will occur about October 5, we will check with Mr. Haldeman to determine
the financial feasibility of completing the job before continuing.

BILLING

To cover advances on Stock, Printing, Postage advance, Travel to confer
with all County Clerks, Personnel (precinct checkers, secretarial, etc.
payment should be made now ----- \$55,000.00 ✓

Due October 5 when 2/3 of mailing is complete ----- 25,000.00

Due only if decision is made to complete the mailing,
when work is finished on October 15 ----- 34,500.00

\$94,500.00

COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Bldg. - 607 Market Street - San Francisco
National Oil Bldg. - 609 South Grand - Los Angeles

Press: Ed Fitzharris & Associates
607 Market St., S.F.
Beatrice Kay
California Publicity Bureau
609 So. Grand, L.A.

October 20, 1962

FOR RELEASE, MON., OCT. 22

First returns of a Poll being circulated to more than one hundred thousand Democrats throughout California indicate that:

- Nine out of ten registered Democrats flatly reject the "ultra-liberal" California Democratic Council (CDC).

- An even higher percentage--95 percent--believe that California "cannot afford to have a Governor who is indebted to the CDC."

These figures were reported today by the Committee for the Preservation of the Democratic Party in California, which is polling members of its own Party to test reaction "to the CDC's ultra-liberal philosophy and its domination of the Party."

According to William Marlin, Executive Secretary of the Committee: "First returns on this Poll of our own Party members indicate overwhelming and emphatic disenchantment with the left-wing CDC which for the past four years has been maneuvering to capture the Democratic Party in California, and with it State domination. The voice of the rank-and-file Democrat is now being heard, and that voice is speaking out loud and clear against the CDC and all it represents."

Marlin revealed the Committee is now extending the Poll to cover "many thousands of additional Democrats."

He states: "Financial support has been pouring in from all over the State, providing means of expanding our Poll, and permitting thousands of rank-and-file Democrats to express themselves on this imperative question."

"The CDC has loaded the Democratic ticket with its nominees, hand-picked at pre-primary conventions. And not one candidate has repudiated either the CDC's endorsement, or its left-wing objectives."

Marlin continues: "What effect our Poll will have on the election we are not certain. But it is very evident from the returns that rank-and-file Democrats are deeply concerned about the CDC and its increasing domination of our Party."

Marlin said the Committee will release further figures on the Poll later this week.

///

COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building - 607 Market Street, San Francisco

Press: Ed Fitzharris & Associates
607 Market Street, S.F.

October 26, 1962

FOR RELEASE, SATURDAY, OCT.

Charging Democratic Party leader Roger Kent with acting as a "One-Man News Censor", the Committee for the Preservation of the Democratic Party in California today vigorously protested an injunction brought by Kent to "prevent public access to the results of one of the largest Polls ever undertaken in U.S. political history.

"As Americans to whom free speech is a God-given privilege, we find this political muzzling unbelievable, declared William Marlin Executive Secretary of the Committee.

"The order Kent has obtained, prevents our Committee from releasing to the Press the results of a valid poll of some half-million registered Democrats in California, on their reactions to domination of the Party by the left-wing CDC (California Democratic Council).

"Every one of Kent's charges is completely false, Marlin stated, "and there is no valid basis for his dictator-like action. His sole objective is to prevent publication of a statewide poll of Democrats on how they feel about being dominated by a left-wing organization whose principles are foreign to most Americans.

"Kent has charged that our Committee is a front for Republicans. We have had offers of help from many sources--Republicans as well as Democrats--and are grateful for it. But every one of our members is a loyal and responsible Democrat whose single objective is to inform our fellow Democrats that left-wing forces are moving to capture the Democratic Party in California and with it the right to dictate the political direction and destiny of our State. When CDC leaders

more..

#2

prevented us from barring Communists from the Party at the recent State Convention, that was the straw that broke the camel's back' Right then a group of us decided the CDC domination of our Party must be broken somehow.

"Kent, in trying to prevent rank-and-file Democrats from learning the truth, is actually trying to gag the members of his own Party, and is interfering with freedom of speech and the right of every citizen to the facts."

Marlin on behalf of the Committee, further charged Kent and the CDC with "harassment of the members of our Committee ever since they discovered we had taken this Poll among fellow Democrats. This is typical of the CDC's activities--though we are surprised to find Kent in the same camp."

Marlin states: "Kent's one-man censorship campaign is a shocking and inexcusable distortion of his function as a Party official. Democrats and Republicans alike have been calling our office night and day demanding to know the results of this Poll--which is possibly the most significant ever undertaken in the history of this nation-- a Poll of Democrats by Democrats on the need to clean up our own Party.

"What is Kent afraid of revealing? Why is he afraid of the judgment of rank-and-file Democrats in this matter? Early returns on our Poll were released to the Press on October 20 before Mr. Kent's injunction. The results since that date surely would be of enormous interest to millions of Californians. Is it possible that Kent actually can block such information from being released to the press and the public?

"He has charged our Committee with representing itself as speaking for the Democratic Party. We do not speak for the Party. We speak as Democrats to Democrats--and as citizens to citizens. But we are all beginning to wonder, whom is Kent representing? The Democratic Party or the CDC? This is the question that Kent should be asked by Democrats who care what happens to their Party and to their State government. And by the public who wants the facts."

COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA

1. How are you being financed?

A. We have appealed to Democrats throughout the State, and so far their support has been most encouraging and helpful. An appeal has been sent to some 50,000 registered Democrats--along with a Poll on their reactions to the CDC. We are hopeful that we will receive enough financial support to expand this list to some one-million Democrats in California.

2. Are you receiving any Republican money?

A. We are not refusing any contributions--and naturally, the Republicans are interested in this campaign. We are considering extending our fund-appeal to Republicans, as we believe all citizens should be concerned with the power-grabbing strategy of the CDC.

3. Who makes up your Committee:

A. As everyone knows, the CDC is a powerful organization difficult to oppose. For this reason we plan on releasing the names of our Committee on a day-by-day basis as they make their statements--thus keeping the timing of these announcements at our discretion, rather than the CDC's. We believe that these names, as released, will come as quite a shock to the CDC--for these are prominent Democrats of responsible views and position.

4. Do you have any other offices?

A. We have two offices at the present--in San Francisco and in Los Angeles. (S.F.-Central Consular Building; L.A.-National Ctl Building.)

5. What are your sources for the statements and proposals attributed to the CDC?

A. The CDC's own Convention Reports and records, and statements by CDC leaders as reported in the Press.

6. Are you asking fellow Democrats to stay away from the polls?

A. No. We are urging them not to vote for CDC nominees on the Democratic ticket. The CDC has loaded our Party's ticket with their own nominees, chosen at pre-primary conventions. We consider these candidates "captured men", because even though the left-wing aims of the CDC are clear and are anathema to the majority of Americans, not one of these men has repudiated the CDC or its endorsement.

more...

7. Are you going to keep this Campaign going after the election?

A. Our intent is to break the power of the CDC, and we'll continue to work at this problem until it is solved. We are very encouraged by the response from Democrats everywhere and expect continuing and growing support.

8. Why are you waging this Campaign right before elections?

A. We have chosen to speak out now because this may well be the best and only time for rank-and-file Democrats to make their voice heard. Don't forget that California may soon be the most important State in the nation and may have much to say about the nation's political direction and destiny. The CDC is also aware of this potential political power. Now is the time to stop them in their drive to dominate State politics.

9. Are you urging Democrats to support Nixon and other Republican candidates?

A. We are not conducting a campaign for any candidates. We are campaigning for the preservation of the Democratic Party by exposing the CDC's left-wing stands and power-grabbing tactics. We are making a plea to clean up the Democratic Party.

10. Isn't the CDC a "grass-roots" movement?

A. By no means. The CDC represents only two percent, or less, of California's four million registered Democrats--hence is certainly a minority group, though it purports to represent the Democratic Party.

11. Don't the Republicans also have pre-primary endorsements?

A. Our argument is not with the "pre-primary endorsement" as such--but rather with the fact that the CDC dominates and runs these endorsements, while representing beliefs totally foreign to Democratic Party objectives. We don't want left-wing dictators telling us what to do--and who to vote for.

I believe it will be interesting to other Committee members to know the type of queries I have had from the Press and the way I am answering them.

William Marlin, Executive Secretary
Committee for the Preservation of the
Democratic Party in California

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs
7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

FILED

OCT 30 1964

MARTIN J. GAGAN, Clerk

By *Thomas*
Deputy Clerk

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

No. 526150

-vs-

20 COMMITTEE FOR THE PRESERVATION OF
21 THE DEMOCRATIC PARTY IN CALIFORNIA,
22 et al.,

Defendants.

AMENDMENT TO COMPLAINT
UPON DISCOVERING TRUE
NAMES OF DEFENDANTS.

23 Plaintiffs, upon filing the complaint herein, being
24 ignorant of the true names of certain defendants herein, and
25 having designated said defendants in the complaint by
26 fictitious names, to wit, First Doe through Twentieth Doe,
27 and having now discovered the true names of several of said
28 defendants to be as follows:

Fictitious Name

True Name

First Doe

Ed Fitzharris

Third Doe

Austin Healy

Fourth Doe

Robinson & Co., Inc., a
corporation

Sixth Doe

John Fixa, Postmaster,
San Francisco

Eighth Doe

William Marlin, individually
and as Executive Secretary of
defendant Committee for the
Preservation of the Democratic
Party in California

Fictitious Name

True Name

Ninth Doe

Crocker-Anglo National Bank of
San Francisco, now Crocker-
Citizens National Bank

Thirteenth Doe

Recorder Printing and Publishing
Company, a corporation

Fourteenth Doe

Bernhard A. Hansen, individually
and as Vice President of
Recorder Printing and Publishing
Company, a corporation

Plaintiffs hereby amend their complaint by inserting
such true names in the place and stead of such fictitious
names wherever they appear in said complaint.

Dated: October 30, 1964

O'Gara and O'Gara
James O'Gara

O'Gara and O'Gara
Attorneys for Plaintiff

Good and sufficient cause appearing therefor,
plaintiffs are hereby allowed to file the above amendment to
the complaint herein.

Dated: October 30, 1964

Byron O'Gara

Judge of the Superior Court

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 EXbrook 2-2677
5 San Francisco 4
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

FILED

OCT 20 1964

MARTIN MORGAN, Clerk

[Signature]
Clerk

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

No. 526150

-VS-

20 COMMITTEE FOR THE PRESERVATION OF
21 THE DEMOCRATIC PARTY IN CALIFORNIA,
22 an unincorporated association,
23 et al.,

Defendants.

STIPULATION

24 Subject to the approval of the above entitled Court the
25 parties hereby stipulate by and through their respective counsel,
26 that they hereby do waive the right to findings of fact and
27 conclusions of law except as to those findings of fact and
28 conclusions of law set forth in the Judgment herein and waive
29 notice of time and place of trial.

30 IT IS FURTHER STIPULATED that each of the parties hereto
31 does hereby waive his right to notice of entry of judgment,
32 to move for new trial, or for modification of the Judgment in
whole or in part, or that Judgment be vacated or set aside, in
whole or in part and
right to appeal, in whole or in part.

33 IT IS FURTHER STIPULATED that upon execution of mutual
34 releases by the parties hereto, that the defendants Joseph--
35 Robinson individually, Crocker-
36 Citizens National Bank formerly Crocker-Anglo National Bank,
37 and the Recorder Printing and Publishing Company, Inc. and

Bernhard A. Hansen, individually and as Vice President of the Recorder Printing and Publishing Company, Inc., be dismissed as defendants in this action.

Dated: October 30, 1964.

O'Gara and O'Gara

By Gerald J. O'Gara
Gerald J. O'Gara

James A. O'Gara
James A. O'Gara

Gerald D. Marcus
Gerald D. Marcus

Webster V. Clark
Webster V. Clark

Attorneys for Plaintiffs

Ralph Golub
Ralph Golub
Attorney for Defendants Joseph Robinson, Robinson & Company, Inc., William Marlin, Ed Fitzharris, Austin Healy and Harry J. Boyle, and Committee for the Preservation of the Democratic Party

Almon B. McCallum
Almon B. McCallum
Attorney for defendant Crocker-Citizens National Bank, formerly Crocker-Anglo National Bank

Brobeck, Phleger and Harrison

By Robert E. Metz
Attorneys for Defendants Recorder Printing and Publishing Company and Bernhard A. Hansen, Individually and as Vice President of Recorder Printing and Publishing Company

APPROVED.

Byron Orin
Judge of the Superior Court

1 The attached stipulation is hereby approved and each of
2 the defendants hereby consents to the signing of counterpart
3 sheets so that the conclusion of this matter will be expedited.

4 Witness to signatures of Committee for the Preservation of the
5 defendants Committee, Democratic Party,
6 Joseph Robinson, Robinson By _____
7 & Company, Inc., a Secretary
8 corporation, William Marlin,
9 Ed Fitzharris, Harry J. Boyle,
10 and Austin Healy: Joseph Robinson

11 Robinson & Company, Inc.
12 By _____
13 President

14 William Marlin

15 Ed Fitzharris

16 Harry J. Boyle

17 Austin Healy

18 Witness to signature of Recorder Printing and Publishing Company
19 defendants Recorder Printing a corporation
20 and Publishing Company, a By _____
21 corporation and Bernhard A. Hansen: Secretary

22 Robert Metz

23 Bernhard A. Hansen,
24 Individually and as Vice President
25 of Recorder Printing and Publishing
26 Company

27 Witness to signature of
28 defendant Crocker-Citizens
29 National Bank

30 Crocker-Citizens National Bank,

31 By Almon B. McCallum

32 Almon B. McCallum

By _____

1 The attached stipulation is hereby approved and each of the
2 plaintiffs hereby consents to the signing of counterpart sheets
3 so that the conclusion of this matter will be expedited.

4 Dated: October 30, 1964.

5 Democratic State Central Committee

6 By Roger Kent
7 Roger Kent, Chairman

8 Roger Kent
9 individually and as a member and
10 officer of the Democratic Party

11 Elizabeth Rudel Gatov
12 individually and as Democratic National
Committeewoman

13 Witness to signatures of plaintiffs

14 Gerald J. O'Gara
15
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32

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1962.

Dear fellow Americans:

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It is not an easy step to take. But this Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. The facts are, The CDC (California Democratic Council), which has espoused:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election time, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you!

Sincerely

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

Don't Deliver California to the CDC!

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 17, 1962

Dear Fellow American:

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This Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the take-over by left-wing forces. These are the facts: The CDC (California Democratic Council) has espoused:

- Admitting Red China into the United Nations
- Moratorium on U.S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

and today the CDC is taking over and absorbing the State government of California.

Though it is still only a small minority, the CDC has been called "the most powerful political force in California" by thoughtful magazines and newspapers including the C.S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one has yet repudiated the organization's support.

The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders--not those of left-wing minorities--then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

encl.

Don't Deliver California to the CDC!

B-2

EXHIBIT B-2

Whitaker & Baxter International

PUBLIC RELATIONS ECONOMIC AND POLITICAL COUNSELLING NATIONAL AND INTERNATIONAL

The Fairmont Hotel, San Francisco

DOUGLAS 2 3700 - CABLE ADDRESS: WABINT

CLEM WHITAKER
PRESIDENT
LEONE BAXTER
GENERAL MANAGER

EUROPEAN OFFICE
DAVID CLAYTON
132 FLEET STREET
LONDON E C 4

10.10.62

ROB INSON & COMPANY

Reimbursement expenses in connection with mailing:

Travel expenses to Los Angeles 4/19	\$ 150.88 ✓
Pacific Telephone April to October	10.38
Fairmont Hotel meetings 4/18, 5/15, 5/16 8/7, 8/20	114.64
Travel expenses to Biscayne meeting (Brownell, Hagerty)	267.69
Allen's Messenger Service June to October	36.04
Travel expenses to Los Angeles 8/25	138.97
Clift Hotel meeting 8/6	30.25
Car rental 9/10	50.63
Newbegin's Bookshop - Election Statistics	4.11
Gilbert's office supplies	5.80
Schwabacher-Frey bookkeeping supplies	2.65
United Press International meeting 10/1	70.00
Palace Hotel meeting 9/27	10.75
	<u>\$ 892.19</u>

Rec'd 11-6-62 OK 642

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco

10 WEBSTER V. CLARK
11 111 Sutter Street
12 San Francisco
13 EXbrook 2-1869
14 Of Counsel for Plaintiffs

FILED

JAN 22 1964

MARTIN J. HANAN, Clerk
C. Thomas
Deputy Clerk

SUBPOENA ISSUED

15 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
16 CITY AND COUNTY OF SAN FRANCISCO

17 DEMOCRATIC STATE CENTRAL COMMITTEE,
18 et al.,

19 Plaintiffs,

No. 526150

20 -vs-

21 COMMITTEE FOR THE PRESERVATION OF
22 THE DEMOCRATIC PARTY IN CALIFORNIA,
23 an unincorporated association, et al.,

24 Defendants.

25 DECLARATION FOR ISSUANCE OF SUBPOENA
26 DUCES TECUM - DEPOSITION

27 I, Gerald J. O'Gara, declare under penalty of perjury:

28 I am an attorney at law, duly licensed to practice my
29 profession in all of the courts of the State of California; I
30 am a member of the law firm of O'Gara and O'Gara and one of the
31 attorneys of record for the plaintiffs in the above entitled
32 action. I am authorized to and do make this declaration for
and on behalf of said plaintiffs.

On January 8, 1964, at her deposition, Leone Baxter,
also known as Leone Baxter Whitaker (hereinafter called Leone
Baxter) testified that she had received the copy for the
postcard attached hereto as Exhibit B from Lloyd Tevis; that the
copy from said Lloyd Tevis had been forwarded by her to

1 Joseph Robinson and Robinson & Company Inc. and from there
2 transmitted to the Recorder Printing and Publishing Company
3 for reproduction. Defendant Recorder Printing and Publishing
4 Company has had and now has in its possession or under its
5 control the original copy of the postcard, Exhibit B, and
6 certain things described in Exhibit A attached hereto which
7 are material to the trial of this action in establishing (a) the
8 correspondence, conversations, negotiations, arrangements,
9 agreements, understandings, instructions and directions made
10 between and among defendants, Committee for the Preservation of
11 the Democratic Party in California, Joseph Robinson, Robinson & Co.,
12 Inc., a corporation, Harry J. Boyle, Ed Fitzharris, Austin Healy,
13 William Marlin, individually and in his capacity as Executive
14 Secretary for the defendant, Committee for the Preservation of
15 the Democratic Party in California, and the Recorder Printing
16 and Publishing Company and the Nixon for Governor Campaign
17 Committee and other persons, committees, firms and corporations
18 supporting the candidacy of Richard M. Nixon for Governor of
19 California in the 1962 General Election, and (b) the nature,
20 extent and details of any negotiations, offers, proposals, and/or
21 agreement for the origination, publication and distribution of
22 the postcard attached hereto as Exhibit B, and/or the letter of
23 October 15, 1962, attached hereto as Exhibit B-1 and/or the letter
24 of October 17, 1962 attached hereto as Exhibit B-2, and of any
25 books, papers, records of things evidencing or referring to
26 such negotiations, offers, proposals or agreements. The said
27 things which plaintiffs desire to examine and which have been
28 and now are under the control of and/or the possession of the
29 Recorder Printing and Publishing Co. include but without
30 limitation the matters in Exhibit A and are described without
31 limitation in Exhibit A attached hereto.

32 The production of the things specified in Exhibit A and

1 elsewhere above is material and necessary to the trial of this
2 action in that it will aid the preparation of plaintiffs' case
3 for trial and will facilitate the progress of the trial because
4 said things described in Exhibit A and elsewhere above will
5 support various allegations in plaintiffs' complaint, including
6 but without limitation the specific allegation that the
7 postcard attached as Exhibit B and the letters dated October 15,
8 1962 and October 17, 1962 attached hereto as Exhibits B-1 and B-2
9 respectively, were in fact instigated, produced and financed
10 by the Nixon for Governor Campaign Committee and various other
11 persons, committees, firms and corporations supporting the
12 candidacy of Richard M. Nixon for Governor of California,
13 rather than by a committee of Democrats seeking to preserve the
14 Democratic Party in California.

15 That good cause exists for the production of the above
16 described matters and things by reason of the following facts:

17 The documents sought to be produced will constitute or
18 contain evidence relating to matters within the permissible
19 scope of examination, and will show that the defendants in this
20 action were acting not on behalf of the Democratic Party in
21 California but in fact they were acting for and on behalf of the
22 Nixon for Governor Campaign Committee.

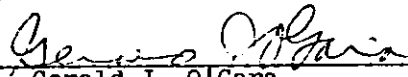
23 Said documents are therefore material and necessary
24 to the trial of this action in that it will aid the preparation
25 of plaintiffs' case for trial.

26 WHEREFORE, plaintiffs pray that a subpoena duces tecum
27 be issued requiring the Recorder Printing and Publishing Company
28 by and through its officers and employees to attend at a
29 deposition in person and to bring with them the books, papers,
30 documents, records and things described in Exhibit A attached
31 hereto and elsewhere above.

32 I declare under penalty of perjury that the foregoing

1 is true and correct.

2 Executed at San Francisco, California, on
3 January 22, 1964.

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6 Gerald J. O'Gara
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(1) The original copy for the postcard attached hereto as Exhibit B, and the letter of transmittal enclosing the copy for the postcard, Exhibit B, together with copies of all such drafts.

(2) Any drafts of copy and/or copy of the postcard attached hereto as Exhibit B, letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2, together with all correspondence or writings relating thereto.

(3) All proofs of and/or corrected proofs of the postcard attached hereto as Exhibit B, letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962 attached hereto as Exhibit B-2.

(4) All originals of or copies of letters, papers, documents, records, communications, correspondence, writings, agreements, contracts, arrangements, understandings, instructions, memoranda, negotiations or covenants between Recorder Printing and Publishing Company and Joseph Robinson, individually and/or in his capacity as President of Robinson Company Inc., and/or Leone Baxter, individually and/or in her capacity as General Manager of Whitaker and Baxter International and/or Whitaker and Baxter International, and/or H. Robert Haldeman, individually and/or as Chairman of the Nixon for Governor Campaign Committee, and/or Richard M. Nixon, individually and/or as a Republican nominee for Governor of California and/or Republican State Central Committee, and/or Caspar Weinberger, individually and/or as Chairman of the Republican State Central Committee and/or Joseph Martin, individually and/or as National Committeeman from California to the Republican National Committee, and/or Lloyd Tevis, individually and/or in his capacity as co-chairman of the

Committee for the Preservation of the Democratic Party in California and/or William Martin, individually and/or in his capacity as Executive Secretary of the Committee for the Preservation of the Democratic Party in California; and/or Ed Fitzharris, individually and/or as an officer of Ed Fitzharris and Associates and/or any other person, firm, or corporation in connection with said Committee or Exhibit B, and/or between any of said persons with each other relating to said Committee or Exhibits B, B-1, or B-2.

(5) Any minutes, memoranda, records or writings reflecting any discussions or conversations concerning negotiations for the production and printing of the postcard, attached hereto as Exhibit B, the letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2 by the Recorder Printing and Publishing Company.

(6) Any originals of or copies of letters, memorandum, communications, writings or correspondence approving and/or commenting on, in any way, the draft of or final of the copy for the postcard attached hereto as Exhibit B, letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(7) Any contract of employment/^{or otherwise} between the Recorder Printing and Publishing Company and Joseph Robinson, individually and/or as an officer of Robinson & Company, Inc., and/or Leone Baxter, individually and/or as officer of Whitaker and Baxter International, and/or H. Robert Haldeman, individually and/or as Campaign Manager of the Nixon for Governor Campaign Committee, and/or John Robert White, individually and/or as Treasurer of the Nixon for Governor Finance Committee, and/or William Marlin, individually and/or as Executive Secretary of the Committee for the Preservation of the Democratic Party in California, and/or Lloyd Tevis, individually and/or as Co-Chairman of the Committee for the Preservation of the Democratic Party in California, and/or any other person, firm or corporation, and relating to any of the matters in this declaration, including, but without limitation, said committee or Exhibit B.

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(8) All checks, vouchers, books of account, receipts for payment, deposit slips, check registers or writings showing payment to the Recorder Printing and Publishing Company for the reproduction of the postcard attached hereto, as Exhibit B, the letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2 and for any other printing jobs in connection with said Committee for the Preservation of the Democratic Party in California, or Exhibit B

(9) Any originals or copies of letters, memoranda, communications, writings, correspondence or other records relating to any transactions, contracts or agreements between Recorder Printing and Publishing Company, a corporation, or any of its officers, employees and/or agents, and Joseph Robinson and/or Robinson & Company, and/or any other person, firm, group, corporation, or organization in connection with or relating to the Committee for the Preservation of the Democratic Party in California, or Exhibits B, B-1 and B-2 or to any copy, proof, corrected proof, final proof, billing, statement or payment in connection with said Committee or Exhibits B, B-1 and B-2.

(10) Any originals or copies of letters, memoranda, communications, writings, correspondence or other records relating to any transactions, contracts or agreements in connection with the Committee for the Preservation of the Democratic Party in California or Exhibits B, B-1 and B-2 between Recorder Printing and Publishing Company and/or said Committee and the Crocker-Anglo National Bank or any of its officers, employees, or agents, including but without limitation monthly bank statements, duplicate deposit slips and cancelled checks.

POLL SELECTION

In view of the increasing domination of the Democratic Party by the CDC (California Democratic Council), we are anxious to obtain an opinion sampling of California Democrats. Please fill out and mail before October 23.

	Do you	
	Agree	Disagree
1. The CDC leadership viewpoint favors:		
Admitting Red China into the United Nations	<input type="checkbox"/>	<input type="checkbox"/>
Moratorium on U. S. nuclear testing	<input type="checkbox"/>	<input type="checkbox"/>
Allowing subversives the freedom of college campuses	<input type="checkbox"/>	<input type="checkbox"/>
Abolition of State and Federal loyalty oaths	<input type="checkbox"/>	<input type="checkbox"/>
Abolition of the House Committee on Un-American Activities	<input type="checkbox"/>	<input type="checkbox"/>
Foreign aid to countries with Communist governments	<input type="checkbox"/>	<input type="checkbox"/>
Complete national disarmament as ultimate goal	<input type="checkbox"/>	<input type="checkbox"/>
Refusal to bar Communists from the Democratic Party	<input type="checkbox"/>	<input type="checkbox"/>
2. Can California afford to have a Governor	Yes	No
indebted to the CDC—who has stated he will veto any legislation		
damaging to the CDC—who calls it "my strong right arm"—who		
declares, "I am proud of my membership in the CDC"	<input type="checkbox"/>	<input type="checkbox"/>
3. What course of action should be taken		
by independent Democrats who don't belong to the CDC and want no		
part of it?		
Demand that Democratic candidates disclaim and abandon the CDC	<input type="checkbox"/>	<input type="checkbox"/>
Refuse to support candidates who don't renounce the CDC	<input type="checkbox"/>	<input type="checkbox"/>
Support a Republican candidate rather than sell out the Party and the		
State Government to CDC objectives	<input type="checkbox"/>	<input type="checkbox"/>
4. Who in your opinion will win in November?		
Governors:	Secretary of State:	U. S. Senate:
Brown <input type="checkbox"/>	Rose <input type="checkbox"/>	Richards <input type="checkbox"/>
Nixon <input type="checkbox"/>	Jordan <input type="checkbox"/>	Kuchel <input type="checkbox"/>
Lt. Governors:	Controllers:	Supt. of Public
Anderson <input type="checkbox"/>	Cranston <input type="checkbox"/>	Instruction:
Christopher <input type="checkbox"/>	Reagan <input type="checkbox"/>	Richardson <input type="checkbox"/>
Attorney General:	Treasurers:	Rafferty <input type="checkbox"/>
Mosk <input type="checkbox"/>	Betts <input type="checkbox"/>	
Coakley <input type="checkbox"/>	Busterud <input type="checkbox"/>	

If you, too, feel it important to preserve our Democratic processes and cut off the CDC handcuffs, please send a contribution today to the Treasurer,
Committee to Preserve the Democratic Party in California,
Cracker Anglo Bank, One Montgomery Street, San Francisco, California
And please write us your views.
Committee for the Preservation of the Democratic Party in California

BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8092

A Communication
of Extreme Importance

TO

CALIFORNIA DEMOCRATS

from the

Committee for the

Preservation of the

Democratic Party

in California



LAW OFFICES OF
BARBARA D'USARA
1416 HILLS TOWER
SAN FRANCISCO 4
TELEPHONE 3-2877

EXHIBIT

⊙ This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or weakly, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would veto any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

⊙ The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

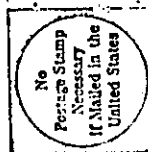
As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party?

Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own?

⊙ We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. Whatever we do, in the name of the Democratic Party—

And Not Deline California!

Committee for the Preservation of the Democratic Party in California



BUSINESS REPLY MAIL

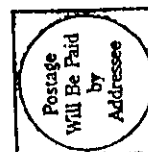
First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California



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TEAR OFF HERE—DO NOT MAIL AFTER OCTOBER 23, 1962

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1962

Dear fellow Americans:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

It is not an easy step to take. But this Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. The facts are, The CDC (California Democratic Council), which has espoused:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election time, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you!

Sincerely

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

Don't Deliver California to the CDC!

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COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 17, 1962

Dear fellow American:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

This Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the take-over by left-wing forces. These are the facts: The CDC (California Democratic Council) has espoused:

- Admitting Red China into the United Nations
- Moratorium on U.S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

and today the CDC is taking over and absorbing the State government of California.

Though it is still only a small minority, the CDC has been called "the most powerful political force in California" by thoughtful magazines and newspapers including the C.S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one has yet repudiated the organization's support.

The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders--not those of left-wing minorities--then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

encl.

Don't Deliver California to the CDC!

6-2

EXHIBIT B-2

GERALD J. O'GARA
O'GARA and O'GARA
1200 Mills Tower
San Francisco 4, California
EXbrook 2-2677
Attorneys for Plaintiffs

GERALD D. MARCUS
593 Market Street
San Francisco, California
Sutter 1-5500

WEBSTER V. CLARK
111 Sutter Street
San Francisco, California
EXbrook 2-1869
Of Counsel for Plaintiffs

FILED

JAN 22 1964

MARTIN MORAN, Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,

Plaintiffs,

No. 526150

-vs-

COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

Defendants.

DECLARATION FOR ISSUANCE OF SUBPOENA
DUCES TECUM - DEPOSITION

I, Gerald J. O'Gara, declare under penalty of perjury:

I am an attorney at law, duly licensed to practice my
profession in all of the courts of the State of California; I
am a member of the law firm of O'Gara and O'Gara and one of the
attorneys of record for the plaintiffs in the above entitled
action. I am authorized to and do make this declaration for
and on behalf of said plaintiffs.

On January 8, 1964, at her deposition, Leone Baxter, also
known as Leone Baxter Whitaker (hereinafter referred to as
Leone Baxter) produced certain documents in connection with her
deposition and which revealed her activity in connection with
the Committee for the Preservation of the Democratic Party in
California.

1 Among the documents produced was a billing sent to Robinson
2 & Company, dated 10. 10. 62 and which was headed "Reimbursement
3 for expenses in connection with mailing." Said document is
4 attached hereto as Exhibit G. At the deposition Leone Baxter
5 testified that to the original of this billing would have been
6 attached various vouchers, receipts and bills supporting these
7 expenditures.

8 Leone Baxter also testified at her deposition that she
9 had had various correspondence and conversations with Joseph
10 Robinson, relating to the activities of the Committee for the
11 Preservation of the Democratic Party in California.
12 Defendant, Joseph Robinson and/or Robinson & Company have
13 had since approximately October 10, 1962 and now have in their
14 possession or under their control, certain things described in
15 Exhibit A attached hereto which are material to the trial of
16 this action in establishing (a) the correspondence, conversa-
17 tions, negotiations, arrangements, agreements, understandings,
18 instructions and directions made between and among defendants,
19 Committee for the Preservation of the Democratic Party in
20 California, Joseph Robinson, Robinson & Co., Inc., a corporation,
21 Harry J. Boyle, Ed Fitzharris, Austin Healy, William Marlin,
22 individually and in his capacity as Executive Secretary for the
23 defendant, Committee for the Preservation of the Democratic
24 Party in California, and the Recorder Printing and Publishing
25 Company and the Nixon for Governor Campaign Committee and
26 other persons, committees, firms and corporations supporting the
27 candidacy of Richard M. Nixon for Governor of California in the
28 1962 General Election, and (b) the nature, extent and details
29 of any negotiations, offers, proposals, and/or agreement for the
30 origination, publication and distribution of the postcard
31 attached hereto as Exhibit B, and/or the letter of October 15,
32 1962, attached hereto as Exhibit B-1 and/or the letter of
 October 17, 1962 attached hereto as Exhibit B-2, and of any books.

1 papers, records of things evidencing or referring to such
2 negotiations, offers, proposals or agreements. The said things
3 which plaintiffs desire to examine and which have been and, now
4 are under the control of and/or the possession of Joseph
5 Robinson and/or Robinson & Co. include but without limitation
6 the matters in
7 and are described without limitation in Exhibit A attached
8 hereto.

9 The production of the things specified in Exhibit A and
10 elsewhere above is material and necessary to the trial of this
11 action in that it will aid the preparation of plaintiffs' case
12 for trial and will facilitate the progress of the trial because
13 said things described in Exhibit A and elsewhere above will
14 support various allegations in plaintiffs' complaint, including
15 but without limitation the specific allegation that the post-
16 card attached as Exhibit B and the letters dated October 15,
17 1962 and October 17, 1962 attached hereto as Exhibits B-1 and
18 B-2 respectively, were in fact instigated, produced and financed
19 by the Nixon for Governor Campaign Committee and various other
20 persons, committees, firms and corporations supporting the
21 candidacy of Richard M. Nixon for Governor of California,
22 rather than by a committee of Democrats seeking to preserve the
23 Democratic Party in California.

24 That good cause exists for the production of the above
25 described matters and things by reason of the following facts:

26 The documents sought to be produced will constitute or
27 contain evidence relating to matters within the permissible
28 scope of examination, and ^{will show} that the defendants in this action
29 were acting not on behalf of the Democratic Party in California
30 but in fact they were acting for and on behalf of the Nixon for
31 Governor Campaign Committee.

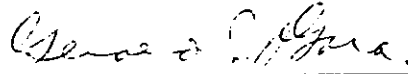
32 Said documents are therefore material and necessary to the
trial of this action in that it will aid the preparation of

1 plaintiffs' case for trial.

2 WHEREFORE, plaintiffs pray that a subpoena duces tecum be
3 issued requiring Joseph Robinson, individually and as an officer
4 of Robinson & Company to attend at a deposition in person and to
5 bring with him the books, papers, documents, records and things
6 described in Exhibit A attached hereto and elsewhere above.

7 I declare under penalty of perjury that the foregoing is
8 true and correct.

9 Executed at San Francisco, California on January 22, 1964.

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13 GERALD J. O'GARA
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(1) All originals of or copies of all supporting vouchers received from Leone Baxter, also known as Leone Baxter Whitaker, (hereinafter referred to as Leone Baxter) in support of a bill for reimbursement of expenses dated 10-10-62 and attached hereto as Exhibit C.

(2) All originals of or copies of correspondence, writings, agreements, contracts, communications, papers, letters, documents, records and/or memoranda between Leone Baxter and Joseph Robinson and/or Robinson and Company.

(3) All originals of or copies of minutes, memoranda, records, or writings reflecting any discussions or conversations concerning preliminary or other negotiations for drafting of the postcard attached hereto as Exhibit B, the letter of October 15, 1962 attached hereto as Exhibit B-1 and the letter of October 17, 1962 attached hereto as Exhibit B-2.

(4) All originals of or copies of correspondence, writings, agreements, contracts, communications, papers, letters, documents, records and/or memoranda between Lloyd Tevis and Joseph Robinson and/or Robinson and Company or any other person, firm or corporation in connection with said Committee or Exhibit B.

(5) All originals of or copies of correspondence, writings, agreements, contracts, communications, papers, letters, documents, records and/or memoranda between William Marlin (individually and/or as Executive Secretary of the Committee for the Preservation of the Democratic Party in California) and Joseph Robinson individually and as an officer of Robinson and Company or any other person, firm or corporation in connection with said Committee or said Exhibit B.

(6) All originals of or copies of correspondence, writings, agreements, contracts, communications, papers, letters, documents, records and/or memoranda between H. Robert Haldeman, including but without limitation the agreement of September 12, 1962 and Joseph Robinson individually and as an officer of Robinson and Company or any other person, firm or corporation in connection with said Committee or Exhibit B.

candidate of the Democratic Party" and was endorsed by the Democratic Central Committee, none of which was true. Defendant's demurrer to the complaint was sustained by the trial court and plaintiff elected to stand upon the complaint. Judgment was then entered for defendant and plaintiff appealed.

The appellate court affirmed the judgment, and among other things said:

"The Constitution (art. II, sec. 2-1/2) expressly authorizes the Legislature to determine the 'tests and conditions upon which electors, political parties, or organizations of electors' may participate in primary elections....'[T]he question as to what provisions are essential to attain the objects contemplated by section 2-1/2, article II,is one peculiarly within the domain of the legislative department....' (Heney v. Jordan, 179 Cal. 24, 27 [175 Pac. 402].)

"Thus it is highly significant that no statute prohibits the acts here sought to be enjoined. The legislature has indicated an awareness of the problems arising in the conduct of campaigns, and has occupied the field to an extent sufficient to indicate, particularly in the light of the broad constitutional grant of legislative power, that it would be judicial legislation for us to extend the controls set forth in the code."

And the court further said:

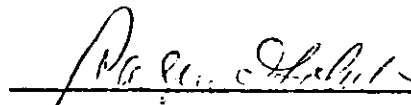
"In any event, the Legislature has not sought to impose upon the courts the labyrinthine task of supervising the conduct of individual election campaigns, and, in the absence of clear allegations of facts convincingly showing fraudulent misrepresentation, we see no reason to arrogate to the judiciary a task so fraught with the danger of infringement upon the rights of the electorate and its free exercise of the right to choose for itself. Judicial office in this state is officially (Elec. Code, secs. 41, 2541) and traditionally nonpartisan. Yet to establish the precedent here sought would require the courts to assume an active role in the supervision and regulation of party campaigns, to an extent limited only by the ingenuity of candidates and their supporters. The Constitution, in removing from political parties the right to determine the 'tests and conditions upon which electors, political parties, or organizations of electors' may participate in state elections, has vested that power in the Legislature, and not in the judiciary."

It is to be noted that plaintiff's petition for a rehearing was denied as was plaintiff's petition for a hearing by the Supreme Court.

Thus, assuming arguendo that the Elections Code sections herein involved are constitutional and that defendants committed misdemeanor violations of said sections, this court has no

jurisdiction to enjoin their violation as the legislature has
not provided for any such injunctive relief.

Respectfully submitted,



RALPH GOLUB
Attorney for Defendants

1
2 CERTIFICATE OF SERVICE BY MAIL BY ATTORNEY
3

4 RALPH GOLUB certifies that he is an active member of
5 the State Bar of California, and not a party to the within
6 action. That his business address is 625 Market Street, San
7 Francisco 5, California. That he served a copy of the attached
8 ADDITIONAL SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
9 DEMURRER AND MOTION TO DISMISS, ETC. by placing said copy in an
10 envelope addressed to:

11 O'GARA AND O'GARA
12 Suite 1200 Mills Tower
San Francisco 4, California

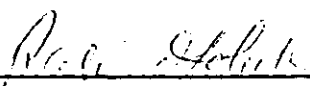
13 GERALD D. MARCUS, Esq.
14 593 Market Street
San Francisco, California

15 WEBSTER V. CLARK, Esq.
16 111 Sutter Street
San Francisco, California

17 HOWARD J. FINN, Esq.
18 and
BROBECK, PHLEGER & HARRISON
19 111 Sutter Street
San Francisco, California

20 ALMON B. McCALLUM, Esq.
21 One Montgomery Street
San Francisco, California,

22 which envelope was then sealed and postage fully prepaid thereon,
23 and thereafter was on December 27, 1962, deposited in the United
24 States mail at San Francisco, California.

25
26 
27 _____
28 RALPH GOLUB
29
30
31
32

1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4 Telephone: Douglas 2-5077

5 Attorney for Defendants

6
7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
9 CITY AND COUNTY OF SAN FRANCISCO

10
11 DEMOCRATIC STATE CENTRAL COMMITTEE,
12 et al.,

13 Plaintiffs,

14 vs.

15 COMMITTEE FOR THE PRESERVATION OF
16 THE DEMOCRATIC PARTY IN CALIFORNIA,
17 an unincorporated association, et al.,

18 Defendants.

No. 526150

ADDITIONAL DECLARATION
OF M. D. KELLY IN
SUPPORT OF MOTION
TO DISMISS ACTION,
AND TO DISSOLVE OR
MODIFY PRELIMINARY
INJUNCTION

19 STATE OF CALIFORNIA

20 CITY AND COUNTY OF SAN FRANCISCO } ss:

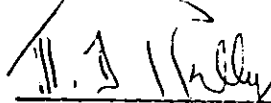
21 I, the undersigned M. D. KELLY, hereby declare:

22 That I am the Vice-President of ROBINSON & CO., INC., a
23 corporation organized and existing under and by virtue of the
24 laws of the State of California and in whose behalf I make this
25 declaration;

26 That none of the funds on deposit in that certain regular
27 checking account opened on October 16, 1962 with the Crocker
28 Anglo National Bank at its One Montgomery Street office, San
29 Francisco, California in the name of "Committee for the Preserva-
30 tion of the Democratic Party in California" were the result of or
31 received from any solicitation, collection or acceptance of
32 money from Democratic voters by the use, directly or indirectly,
of any postcard, pamphlet, folder, letter or writing in the form

of Exhibit "A" attached to plaintiffs' complaint or in any form substantially similar to Exhibit "A", nor were any such funds received in response to or solicited by the publishing, posting, mailing or circulating of said Exhibit "A" or any form substantially similar thereto.

I certify under penalty of perjury that the foregoing is true and correct.


M. D. KELLY

DATED: December 20, 1962

(7) A list of all persons to whom a copy of Exhibit B-1 and/or Exhibit B-2 was sent and all comments, letters, and/or checks received in reply to or in connection therewith.

(8) All checks, vouchers, books of account, receipts for payment, deposit slips, check registers or writings showing payment to Joseph Robinson and/or Robinson and Company, by the Committee for the Preservation of the Democratic Party in California and/or Nixon for Governor Campaign Committee, and/or Nixon for Governor Finance Committee, and/or Republican State Central Committee and/or Richard Nixon and/or Lloyd Tevis and/or Leone Baxter or any other person, firm or corporation in connection with said Committee or Exhibit B.

(9) All checks, vouchers, books of account, receipts for payment, deposit slips, check registers or writings showing payment by Joseph Robinson and/or Robinson and Company or said Committee or any other person, firm or corporation to William Marlin, individually and/or in his capacity as Executive Secretary of the Committee for the Preservation of the Democratic Party in California, and/or to Harry J. Boyle individually and/or in his capacity as co-chairman of the Committee for the Preservation of the Democratic Party in California, and/or to Lloyd Tevis individually and/or in his capacity as co-chairman of the Committee for the Preservation of the Democratic Party in California or to any other person, firm or corporation in connection with said Committee or Exhibit B.

(10) All checks, ledgers and books of account showing from whom contributions to the Committee for the Preservation of the Democratic Party in California were received.

(11) All counts and tabulations and supporting data covering the poll which was taken by Exhibit B attached hereto, and which results are mentioned in the press release dated October 22, 1962 and which is attached hereto as Exhibit D.

(12) Any written memorandum and/or minutes of meetings or conversations or telephone conversations or other record of communications

between Joseph Robinson and/or Leone Baxter and/or Richard Nixon, as Republican nominee for Governor of California, and/or Caspar Weinberger individually and/or as Chairman of the Republican State Central Committee and/or Joseph Martin, individually and/or as National Committeeman from California to the Republican National Committee, and/or Lloyd Tevis individually and/or in his capacity as co-chairman of the Committee for the Preservation of the Democratic Party in California and/or Richard M. Nixon or any other person, firm or corporation in connection with said Committee or Exhibit B or any original or copy of a record of any communication between any of said named persons with each other or with any person, firm or corporation in connection with said Committee or Exhibit B.

(13) The original of the draft of the copy of the postcard attached hereto as Exhibit B and the letter of transmittal enclosing the original of the draft of the copy, together with copies of all such drafts.

~~(13) The original of the draft of the copy of the postcard attached hereto as Exhibit B and the letter of transmittal enclosing the original of the draft of the copy~~

(14) Any originals of or copies of letters, memoranda, communications, writings, correspondence, approving and/or commenting on, in any way, the draft of and/or final copy of the postcard attached hereto as Exhibit B.

(15) Any originals or copies of letters, memoranda, communications, writings, correspondence or other records relating to any transactions, contacts or agreements between Joseph Robinson and/or Robinson and Company and the Recorder Company, a corporation, or any of its officers, employees or agents relating to said Committee or to Exhibit B or to any copy, proof, corrected proof, final proof, billing, statement or payment in connection with said Committee or Exhibit B.

(16) Any originals or copies of letters, memoranda, communications, writings, correspondence or other records relating to any transactions, contacts or agreements in connection with said Committee or Exhibit B between Joseph Robinson and/or Robinson and Company and/or said Committee and the Crocker-Anglo National Bank or any of its officers,

employees or agents, including but without limitation monthly
bank statements, duplicate deposit slips and cancelled checks.

GERALD J. O'GARA
O'GARA and O'GARA
1200 Mills Tower
San Francisco 4, California
EXbrook 2-2677
Attorneys for Plaintiffs

GERALD D. MARCUS
593 Market Street
San Francisco, California
Sutter 1-5500

WEBSTER V. CLARK
111 Sutter Street
San Francisco, California
EXbrook 2-1869
Of Counsel for Plaintiffs

FILED

JAN 22 1964

MARY J. MONGAN, Clerk
E. Thomas
Deputy Clerk

SUBPOENA ISSUED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,

Plaintiffs,

-vs-

No. 526150

COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

Defendants.

DECLARATION FOR ISSUANCE OF SUBPOENA

DUCE TECUM - DEPOSITION

I, Gerald J. O'Gara, declare under penalty of perjury:

I am an attorney at law, duly licensed to practice my
profession in all of the courts of the State of California; I
am a member of the law firm of O'Gara and O'Gara, and I am one of
the attorneys of record for plaintiffs in the above entitled
action; I am authorized to and do make this declaration for and
on behalf of said plaintiffs.

On January 8, 1964 at her deposition, Leone Baxter, also
known as Leone Baxter Whitaker (hereinafter referred to as Leone
Baxter) produced certain documents in connection with the
deposition and which revealed her activity in connection with
the Committee.

1 Among the documents produced was a billing sent to Robinson
2 and Company, dated 10-10-62 which document is attached hereto
3 as Exhibit C. At the deposition, Leone Baxter testified that
4 she could not remember what deliveries were made under the item
5 Allen's Messenger Service June to October.
6 Virginia Allen, as an officer and custodian of records and
7 That/Allen's Delivery Service have had since June 1962, and
8 now have by and through its officers and employees, in their
9 possession or their control the certain things described in
10 Exhibit A attached hereto, which are material to the trial of
11 this action in establishing (a) the correspondence, conversations,
12 negotiations, arrangements, agreements, understandings, instruc-
13 tions and directions made between and among defendants,
14 Committee for the Preservation of the Democratic Party in
15 California, Joseph Robinson, Robinson and Company, Inc., a
16 corporation, Harry J. Boyle, Ed Fitzharris, Austin Healy,
17 William Marlin, individually and in his capacity as Executive
18 Secretary for defendant, Committee for the Preservation of the
19 Democratic Party in California, and the Recorder Printing and
20 Publishing Company and the Nixon for Governor Campaign Committee,
21 and other persons, committees, firms and corporations supporting
22 the candidacy of Richard M. Nixon for Governor of California in
23 the 1962 General Election, and (b) the nature, extent and
24 details of any negotiations, offers, proposals, and/or agree-
25 ment for the origination, publication and distribution of the
26 postcard attached hereto as Exhibit B, and/or the letter of
27 October 15, 1962 attached hereto as B-1 and/or the letter of
28 October 17, 1962 attached hereto as Exhibit B-2 and of any
29 books, papers, records or things evidencing or referring to
30 such negotiations, offers, proposals or agreements. The said
31 things which plaintiffs desire to examine and which have been
32 and now are under the control of and/or in the possession of

Allen's Delivery Service include but without limitation the matters in Exhibit A and are described without limitation in Exhibit A attached hereto.

The production of the things specified in Exhibit A and elsewhere above is material and necessary to the trial of this action in that it will aid the preparation of plaintiffs' case for trial and will facilitate the progress of the trial because said things described in Exhibit A and elsewhere above will support various allegations in plaintiffs' complaint, including but without limitation the specific allegation that the post-card attached as Exhibit B and the letters dated October 15, 1962 and October 17, 1962 attached hereto as Exhibits B-1 and B-2 respectively, were in fact instigated, produced and financed by the Nixon for Governor Campaign Committee and various persons, committees, firms and corporations supporting the candidacy of Richard M. Nixon for Governor of California, rather than by a committee of Democrats seeking to preserve the Democratic Party in California.

That good cause exists for the production of the above described matters and things by reason of the following facts:

The documents sought to be produced will constitute or contain evidence relating to matters within the permissible scope of examination, and will show that the defendants in this action were acting not on behalf of the Democratic Party in California but in fact they were acting for and on behalf of the Nixon for Governor Campaign Committee, and will show the identity of the persons active in said project.

Said documents are therefore material and necessary to the trial of this action in that it will aid the preparation of plaintiffs' case for trial.

WHEREFORE, plaintiffs pray that a subpoena duces tecum be issued requiring the custodian of records of Allen's

1 Delivery Service to attend at a deposition, in person and to
2 bring with him the books, papers, documents, records and things
3 described in Exhibit A attached hereto and elsewhere above.

4 I declare under penalty of perjury that the foregoing is
5 true and correct.

6 Executed at San Francisco, California on January 22, 1964.

7
8 
9 GERALD J. O'GARA

(1) All originals of or copies of billings sent to Leone Baxter, also known as Leone Baxter Whitaker and/or Whitaker and Baxter International, Inc. between June 1962 to and including October 1962.

(2) All originals of or copies of delivery receipts for packages or envelopes delivered from or to Leone Baxter, also known as Leone Baxter Whitaker and/or Whitaker and Baxter, International and which receipts show from whom the package or envelope was received and to whom delivery was made and the signature of the person accepting delivery for the period from and including June 1962 to and including October 1962.

This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or weakly, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would veto any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

○ The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party?

Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own?

○ We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. Whatever we do, in the name of the Democratic Party—

Let's Not Deliver California to the CDC!
Committee for the Preservation of the Democratic Party in California
National Oil Bldg., 609 S. Grand, Los Angeles • Central Consular Bldg., 607 Market, San Francisco



BUSINESS REPLY MAIL
First-Class Permit No. 2361, San Francisco, Calif.

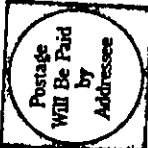
COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California

TEAR ON HERE—DO NOT MAIL AFTER OCTOBER 23, 1962



POLL SELECTION

In view of the increasing domination of the Democratic Party by the CDC (California Democratic Council), we are anxious to obtain an opinion sampling of California Democrats. Please fill out and mail before October 23.

1. The CDC leadership viewpoint favors:		Do you	
		Agree	Disagree
Admitting Red China into the United Nations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Moratorium on U. S. nuclear testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allowing subversives the freedom of college campuses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abolition of State and Federal loyalty oaths	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abolition of the House Committee on Un-American Activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign aid to countries with Communist governments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Complete national disarmament as ultimate goal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Refusal to bar Communists from the Democratic Party	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Can California afford to have a Governor		Yes	No
indebted to the CDC—who has stated he will veto any legislation			
damaging to the CDC—who calls it "my strong right arm"—who			
declares, "I am proud of my membership in the CDC"		<input type="checkbox"/>	<input type="checkbox"/>
3. What course of action should be taken			
by independent Democrats who don't belong to the CDC and want no			
part of it?			
Demand that Democratic candidates disclaim and abandon the CDC	<input type="checkbox"/>	<input type="checkbox"/>	
Refuse to support candidates who don't renounce the CDC	<input type="checkbox"/>	<input type="checkbox"/>	
Support a Republican candidate rather than sell out the Party and the			
State Government to CDC objectives	<input type="checkbox"/>	<input type="checkbox"/>	
4. Who in your opinion will win in November?			
Governors:	Secretary of State:	U. S. Senators:	
Brown <input type="checkbox"/>	Rose <input type="checkbox"/>	Richards <input type="checkbox"/>	
Nixon <input type="checkbox"/>	Jordan <input type="checkbox"/>	Kuchel <input type="checkbox"/>	
Lt. Governors:	Controllers:	Supt. of Public	
Anderson . . . <input type="checkbox"/>	Cranston . . . <input type="checkbox"/>	Instruction:	
Christopher . . <input type="checkbox"/>	Reagan <input type="checkbox"/>	Richardson . . . <input type="checkbox"/>	
Attorney Generals:	Treasurers:	Rafferty <input type="checkbox"/>	
Mosk <input type="checkbox"/>	Betts <input type="checkbox"/>		
Coakley <input type="checkbox"/>	Busterud . . . <input type="checkbox"/>		

If you, too, feel it important to preserve our Democratic processes and cut off the CDC handcuffs, please send a contribution today to the Treasurer,
Committee to Preserve the Democratic Party in California,
Crocker Anglo Bank, One Montgomery Street, San Francisco, California
And please write us your views.
Committee for the Preservation of the Democratic Party in California

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U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8092

A Communication
of Extreme Importance
TO
CALIFORNIA DEMOCRATS
from the
Committee for the
Preservation of the
Democratic Party
in California

EXHIBIT B

LAW OFFICES OF
TARA AND O'BARA
4100 HILLS TOWER
SAN FRANCISCO 4
CARELESS 2-2677

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1962

Dear fellow Americans:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

It is not an easy step to take. But this Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. The facts are. The CDC (California Democratic Council), which has espoused:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments

Refusal to bar Communists from the Democratic Party--
today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election time, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you!

Sincerely

Committee for the Preservation of
the Democratic Party

William Martin

William Martin, Executive Secretary

Don't Deliver California to the CDC!

EXHIBIT B - 1

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

507 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 17, 1962

Dear fellow American:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

This Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the take-over by left-wing forces. These are the facts: The CDC (California Democratic Council) has espoused:

- Admitting Red China into the United Nations
- Moratorium on U.S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

and today the CDC is taking over and absorbing the State government of California.

Though it is still only a small minority, the CDC has been called "the most powerful political force in California" by thoughtful magazines and newspapers including the C.S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one has yet repudiated the organization's support.

The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders--not those of left-wing minorities--then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

encl.

Don't Deliver California to the CDC!

Whitaker & Baxter International

PUBLIC RELATIONS, ECONOMIC AND POLITICAL COUNSELLING, NATIONAL AND INTERNATIONAL

The Fairmont, N. B. Hill, San Francisco

DOUGLAS 2 3800 - CABLE ADDRESS WABINT

CLEM WHITAKER
PRESIDENT
LEONE BAXTER
GENERAL MANAGER

EUROPEAN OFFICE
DAVID CLAYTON
128 FLEET STREET
LONDON E C 4

10.10.62

ROB INSON & COMPANY

Reimbursement expenses in connection with mailing:

Travel expenses to Los Angeles 4/19	\$ 150.88
Pacific Telephone April to October	10.38
Fairmont Hotel meetings 4/18, 5/15, 5/16 8/7, 8/20	114.64
Travel expenses to Biscayne meeting (Brownell, Hagerty)	267.89
Allen's Messenger Service June to October	36.04
Travel expenses to Los Angeles 8/25	138.97
Clift Hotel meeting 8/6	30.25
Car rental 9/10	50.63
Newbegin's Bookshop - Election Statistics	4.11
Gilbert's office supplies	5.80
Schwabacher-Frey bookkeeping supplies	2.65
United Press International meeting 10/1	70.00
Palace Hotel meeting 9/27	10.75
	<hr/>
	\$ 892.19

Rec'd 11-6-62 OK 642

Democratic
Council, we
of California
October 23.

Do you
Agree Disagree

Yes

No

100

no

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1800 MILLER TOWER
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PERMIT NO. 8092

**A Communication
of Extreme Importance
TO
CALIFORNIA DEMOCRATS**

*from the
Committee for the
Preservation of the
Democratic Party
in California*



EXHIBIT 3

POLL SELECTION

In view of the increasing domination of the Democratic Party by the CDC (California Democratic Council), we are anxious to obtain an opinion sampling of California Democrats. Please fill out and mail before October 23.

		Do you	
		Agree	Disagree
1. The CDC leadership viewpoint favors:			
Admitting Red China into the United Nations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Moratorium on U. S. nuclear testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allowing subversives the freedom of college campuses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abolition of State and Federal loyalty oaths	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abolition of the House Committee on Un-American Activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign aid to countries with Communist governments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Complete national disarmament as ultimate goal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Refusal to bar Communists from the Democratic Party	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Can California afford to have a Governor			
indebted to the CDC—who has stated he will veto any legislation		Yes	No
damaging to the CDC—who calls it "my strong right arm"—who			
declares, "I am proud of my membership in the CDC"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What course of action should be taken			
by independent Democrats who don't belong to the CDC and want no			
part of it?			
Demand that Democratic candidates disclaim and abandon the CDC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Refuse to support candidates who don't renounce the CDC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support a Republican candidate rather than sell out the Party and the			
State Government to CDC objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Who in your opinion will win in November?			
Governor:	Secretary of State:	U. S. Senate:	
Brown <input type="checkbox"/>	Rose <input type="checkbox"/>	Richards <input type="checkbox"/>	
Nixon <input type="checkbox"/>	Jordan <input type="checkbox"/>	Kuchel <input type="checkbox"/>	
Lt. Governor:	Controller:	Supt. of Public	
Anderson <input type="checkbox"/>	Cranston <input type="checkbox"/>	Instruction:	
Christopher <input type="checkbox"/>	Reagan <input type="checkbox"/>	Richardson <input type="checkbox"/>	
Attorney General:	Treasurer:	Rafferty <input type="checkbox"/>	
Mosk <input type="checkbox"/>	Betts <input type="checkbox"/>		
Coakley <input type="checkbox"/>	Busterud <input type="checkbox"/>		

If you, too, feel it important to preserve our Democratic processes and cut off the CDC handcuffs, please send a contribution today to the Treasurer,
Committee to Preserve the Democratic Party in California,
Crocker Anglo Bank, One Montgomery Street, San Francisco, California
And please write us your views.
Committee for the Preservation of the Democratic Party in California

BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8092

A Communication

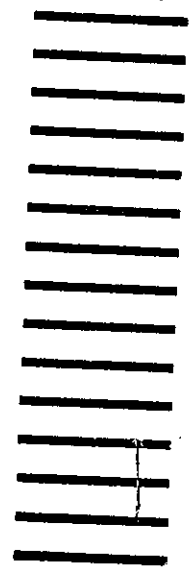
of Extreme Importance

TO

CALIFORNIA DEMOCRATS

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LETTERHEAD OF
O'DARA AND O'DARA
SUITE 1800 HILLS TOWER
SAN FRANCISCO 4
EXHIBIT 3-3677



BUSINESS REPLY MAIL
First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California

EXHIBIT 3

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1962

Dear fellow Americans:

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- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election time, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you!

Sincerely

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

Don't Deliver California to the CDC!

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 17, 1962

Dear fellow American:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

This Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the take-over by left-wing forces. These are the facts: The CDC (California Democratic Council) has espoused:

- Admitting Red China into the United Nations
- Moratorium on U.S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

and today the CDC is taking over and absorbing the State government of California.

Though it is still only a small minority, the CDC has been called "the most powerful political force in California" by thoughtful magazines and newspapers including the C.S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one has yet repudiated the organization's support.

The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders--not those of left-wing minorities--then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

encl.

Don't Deliver California to the CDC!

B-2

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

ENDORSED
FILED

NOV 29 1963

MARTIN MORGAN, CLERK
By S. G. McCREERY
Deputy Clerk

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

No. 526150

-vs-

20 COMMITTEE FOR THE PRESERVATION OF
21 THE DEMOCRATIC PARTY IN CALIFORNIA,
22 an unincorporated association, et al.,

Defendants.

ORDER SHORTENING TIME
FOR SERVICE OF SUBPOENA-
DEPOSITION AND SUBPOENA
DUCES TECUM-DEPOSITION.

23 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the time
24 for serving the subpoena-deposition and subpoena duces tecum-
25 deposition on Leone Baxter Whitaker, also known as Leone Baxter,
26 a material witness in the above entitled action, a copy of said
27 subpoena-deposition and subpoena duces tecum-deposition are
28 attached hereto, be shortened as follows, to wit, service of
29 said subpoena duces tecum - deposition and subpoena-deposition
30 shall be made upon Leone Baxter Whitaker, also known as Leone
31 Baxter, on or before Wednesday, December 4, 1963, and that notice of
32 the taking of said deposition may be given on or before said date.
Dated: November 29, 1963.

C. HAROLD CAULFIELD

Judge of the Superior Court

1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4 Telephone: DOuglas 2-5077

5 Attorney for Defendants

FILED

DEC 28 1962

MARTIN MORGAN, Clerk
J. Thomas
Deputy Clerk

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

No. 526150

12 vs.

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
15 an unincorporated association, et al.,

16 Defendants.

ADDITIONAL SUPPLEMENTAL
POINTS AND AUTHORITIES
IN SUPPORT OF DEMURRER
AND MOTION TO DISMISS,
ETC.

17 UNDER ARTICLE 2, SECTION 2 1/2, OF THE
18 CALIFORNIA CONSTITUTION, THIS COURT
19 HAS NO JURISDICTION TO ENJOIN MISDE-
MEANOR VIOLATIONS OF THE ELECTIONS CODE
SECTIONS HEREIN INVOLVED

20 California Constitution Article 2, Section 2 1/2,
21 expressly authorizes the legislature, not the courts, to
22 determine the tests and conditions upon which elections, political
23 parties or organizations of electors may participate in elections
24 and any extension by this court of the "controls" enacted by the
25 legislature under this constitutional grant of power as set forth
26 in the Elections Code would be judicial legislation.

27 In Jones v. McCollister, 159 C.A.2d 708, the essence of
28 plaintiff's complaint for injunction filed 11 days before a
29 general election was that defendant's campaign material was false
30 and misleading to voters in that such material tended to persuade
31 or convince Democrats that defendant was a "registered Democrat,"
32 was a "fellow Democrat," "was endorsed by and was the official

FILED

DEC 5 - 1963

MARTIN J. MCGAN, Clerk

W. Thomas
Deputy Clerk

GERALD J. O'GARA
O'GARA and O'GARA
1200 Mills Tower
San Francisco 4
EXbrook 2-2677
Attorneys for Plaintiffs

GERALD D. MARCUS
593 Market Street
San Francisco
Sutter 1-5500

WEBSTER V. CLARK
111 Sutter Street
San Francisco
EXbrook 2-1869
Of Counsel for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,

Plaintiffs,

No. 526150

-VS-

COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association,
et al.,

Defendants.

NOTICE OF TAKING
DEPOSITIONS

TO: RALPH GOLUB, ESQ., Attorney for Defendants COMMITTEE FOR
THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, JOSEPH ROBINSON, HARRY J.
BOYLE, ED FITZHARRIS, AUSTIN HEALY, ROBINSON & CO., INC.,
a corporation, and WILLIAM MARLIN, individually and in
his capacity as Executive Secretary for DEFENDANT
COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN
CALIFORNIA; HOWARD J. FINN, ESQ., and BROBECK, PHLEGER AND
HARRISON, Attorneys for Defendants RECORDER PRINTING AND
PUBLISHING COMPANY and BERNHARD A. HANSEN and ALMON B.
McCALLUM, Esq., Attorney for Defendant CROCKER ANGLO
NATIONAL BANK:

YOU AND EACH OF YOU will please take notice that commencing
at 10:00 o'clock A. M., on Tuesday, December 10, 1963,
at Room 1200, Mills Tower, 220 Bush Street, San Francisco,
California, plaintiffs will take the deposition of Leone Baxter,
also known as Leone Baxter Whitaker, individually and as an
officer of Whitaker and Baxter, Inc., and Whitaker and Baxter
International, of San Francisco, California, upon oral examination
before any qualified notary public in and for the City and County


1 of San Francisco.

2 Said deposition will continue from day to day until
3 completed.

4 This notice is given pursuant to the order shortening
5 time for service of this notice made by Hon. C. Harold Caulfield,
6 Judge of said Superior Court, on November 29, 1963. A copy of
7 said order and the declaration of Gerald J. O'Gara, dated
8 November 29, 1963, are attached hereto.

9 Notice concerning the depositions of Caspar Weinberger,
10 individually and as Chairman of the Republican State Central
11 Committee, and Joseph Martin Jr., individually and as National
12 Committeeman to the Republican National Committee, have already
13 been given to all interested parties.

14 Dated: December 3, 1963.

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16 
17 Gerald J. O'Gara
18 O'Gara and O'Gara
19 Attorneys for Plaintiffs
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32

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

ENDORSED
FILED

NOV 29 1963

MARTIN MORGAN, CLERK
By A. G. McCREAVY
Deputy Clerk

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

20 Plaintiffs,

No. 526150

21 -vs-

22 COMMITTEE FOR THE PRESERVATION OF
23 THE DEMOCRATIC PARTY IN CALIFORNIA,
24 an unincorporated association, et al.,

25 Defendants.

ORDER SHORTENING TIME
FOR SERVICE OF SUBPOENA-
DEPOSITION AND SUBPOENA
DUCES TECUM-DEPOSITION.

26 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the time
27 for serving the subpoena-deposition and subpoena duces tecum-
28 deposition on Leone Baxter Whitaker, also known as Leone Baxter,
29 a material witness in the above entitled action, a copy of said
30 subpoena-deposition and subpoena duces tecum-deposition are
31 attached hereto, be shortened as follows, to wit, service of
32 said subpoena duces tecum - deposition and subpoena-deposition
shall be made upon Leone Baxter Whitaker, also known as Leone
Baxter, on or before Wednesday, December 4, 1963, and that notice of
the taking of said deposition may be given on or before said date.
Dated: November 29, 1963.

C. HAROLD CAULFIELD

Judge of the Superior Court

1 RALPH GOLUB
625 Market Street
2 San Francisco 5, California
Telephone: DOuglas 2-5077

3 Attorney for Defendants
4
5
6

FILED

DEC 28 1962

MARTIN MORGAN, Clerk
J. Thomas
Deputy Clerk

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

No. 526150

12 vs.

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

15 Defendants.

ADDITIONAL SUPPLEMENTAL
POINTS AND AUTHORITIES
IN SUPPORT OF DEMURRER
AND MOTION TO DISMISS,
ETC.

16
17 UNDER ARTICLE 2, SECTION 2 1/2, OF THE
18 CALIFORNIA CONSTITUTION, THIS COURT
HAS NO JURISDICTION TO ENJOIN MISDE-
19 MEANOR VIOLATIONS OF THE ELECTIONS CODE
SECTIONS HEREIN INVOLVED

20 California Constitution Article 2, Section 2 1/2,
21 expressly authorizes the legislature, not the courts, to
22 determine the tests and conditions upon which elections, political
23 parties or organizations of electors may participate in elections
24 and any extension by this court of the "controls" enacted by the
25 legislature under this constitutional grant of power as set forth
26 in the Elections Code would be judicial legislation.

27 In Jones v. McCollister, 159 C.A.2d 708, the essence of
28 plaintiff's complaint for injunction filed 11 days before a
29 general election was that defendant's campaign material was false
30 and misleading to voters in that such material tended to persuade
31 or convince Democrats that defendant was a "registered Democrat,"
32 was a "fellow Democrat," "was endorsed by and was the official

1 candidate of the Democratic Party" and was endorsed by the
2 Democratic Central Committee, none of which was true. Defendant's
3 demurrer to the complaint was sustained by the trial court and
4 plaintiff elected to stand upon the complaint. Judgment was then
5 entered for defendant and plaintiff appealed.

6 The appellate court affirmed the judgment, and among
7 other things said:

8 "The Constitution (art. II, sec. 2-1/2) expressly
9 authorizes the Legislature to determine the 'tests and conditions
10 upon which electors, political parties, or organizations of
11 electors' may participate in primary elections.... '[T]he question
12 as to what provisions are essential to attain the objects
13 contemplated by section 2-1/2, article II, is one peculiarly
14 within the domain of the legislative department....' (Heney v.
15 Jordan, 179 Cal. 24, 27 [175 Pac. 402].)

16 "Thus it is highly significant that no statute prohibits
17 the acts here sought to be enjoined. The legislature has
18 indicated an awareness of the problems arising in the conduct of
19 campaigns, and has occupied the field to an extent sufficient to
20 indicate, particularly in the light of the broad constitutional
21 grant of legislative power, that it would be judicial legislation
22 for us to extend the controls set forth in the code."

23 And the court further said:

24 "In any event, the Legislature has not sought to impose
25 upon the courts the labyrinthine task of supervising the conduct
26 of individual election campaigns, and, in the absence of clear
27 allegations of facts convincingly showing fraudulent misrep-
28 sentation, we see no reason to arrogate to the judiciary a task
29 so fraught with the danger of infringement upon the rights of the
30 electorate and its free exercise of the right to choose for
31 itself. Judicial office in this state is officially (Elec. Code,
32 secs. 41, 2541) and traditionally nonpartisan. Yet to establish
the precedent here sought would require the courts to assume an
active role in the supervision and regulation of party campaigns,
to an extent limited only by the ingenuity of candidates and
their supporters. The Constitution, in removing from political
parties the right to determine the 'tests and conditions upon
which electors, political parties, or organizations of electors'
may participate in state elections, has vested that power in the
Legislature, and not in the judiciary."

It is to be noted that plaintiff's petition for a
rehearing was denied as was plaintiff's petition for a hearing by
the Supreme Court.

Thus, assuming arguendo that the Elections Code sections
herein involved are constitutional and that defendants committed
misdemeanor violations of said sections, this court has no

1 jurisdiction to enjoin their violation as the legislature has
2 not provided for any such injunctive relief.
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Respectfully submitted,

Ralph Golub

RALPH GOLUB
Attorney for Defendants

RALPH GOLUB
ATTORNEY AT LAW
635 MARKET STREET
SAN FRANCISCO 6
DOUGLAS 3-8079

CERTIFICATE OF SERVICE BY MAIL BY ATTORNEY

RALPH GOLUB certifies that he is an active member of the State Bar of California, and not a party to the within action. That his business address is 625 Market Street, San Francisco 5, California. That he served a copy of the attached ADDITIONAL SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER AND MOTION TO DISMISS, ETC. by placing said copy in an envelope addressed to:

O'GARA AND O'GARA
Suite 1200 Mills Tower
San Francisco 4, California

GERALD D. MARCUS, Esq.
593 Market Street
San Francisco, California

WEBSTER V. CLARK, Esq.
111 Sutter Street
San Francisco, California

HOWARD J. FINN, Esq.
and
BROBECK, PHLEGER & HARRISON
111 Sutter Street
San Francisco, California

ALMON B. McCALLUM, Esq.
One Montgomery Street
San Francisco, California,

which envelope was then sealed and postage fully prepaid thereon, and thereafter was on December 27, 1962, deposited in the United States mail at San Francisco, California.


RALPH GOLUB

1 RALPH GOLUB
625 Market Street
2 San Francisco 5, California
Telephone: DOuglas 2-5077
3 Attorney for Defendants
4
5
6
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
9 CITY AND COUNTY OF SAN FRANCISCO
10

11 DEMOCRATIC STATE CENTRAL COMMITTEE,
12 et al.,

13 Plaintiffs,

14 vs.

15 COMMITTEE FOR THE PRESERVATION OF
16 THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

17 Defendants.

No. 526150

ADDITIONAL DECLARATION
OF M. D. KELLY IN
SUPPORT OF MOTION
TO DISMISS ACTION,
AND TO DISSOLVE OR
MODIFY PRELIMINARY
INJUNCTION

18 STATE OF CALIFORNIA

19 CITY AND COUNTY OF SAN FRANCISCO } ss:
20

21 I, the undersigned M. D. KELLY, hereby declare:

22 That I am the Vice-President of ROBINSON & CO., INC., a
23 corporation organized and existing under and by virtue of the
24 laws of the State of California and in whose behalf I make this
25 declaration;

26 That none of the funds on deposit in that certain regular
27 checking account opened on October 16, 1962 with the Crocker
28 Anglo National Bank at its One Montgomery Street office, San
29 Francisco, California in the name of "Committee for the Preserva-
30 tion of the Democratic Party in California" were the result of or
31 received from any solicitation, collection or acceptance of
32 money from Democratic voters by the use, directly or indirectly,
of any postcard, pamphlet, folder, letter or writing in the form

1 RALPH GOLUB
625 Market Street
2 San Francisco 5, California
Telephone: DOUGLAS 2-5077
3 Attorney for Defendants
4
5
6

FILED

DEC 18 1962

MARTIN L. LONGAN, Clerk
M. Thomas
Deputy Clerk

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

12 vs.

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

15 Defendants.

No. 526150
SUPPLEMENTAL
DECLARATION OF M. D.
KELLY IN SUPPORT OF
MOTION TO DISMISS
ACTION, AND TO DISSOLVE
OR MODIFY PRELIMINARY
INJUNCTION

16 STATE OF CALIFORNIA
17 CITY AND COUNTY OF SAN FRANCISCO } SS:
18

19 I, the undersigned M. D. KELLY, hereby declare:

20 That I am the Vice-President of ROBINSON & CO., INC.,
21 a corporation organized and existing under and by virtue of the
22 laws of the State of California and in whose behalf I make this
23 declaration;

24 That said corporation, in the usual and regular course
25 and scope of its business, received a letter from the United
26 States Post Office, dated December 14, 1962, written by John F.
27 Fixa, Postmaster, by G. L. Mannion, General Superintendent of
28 Mails, a copy of which letter is attached hereto, made a part
29 hereof, and marked Exhibit "A".

30 I hereby certify under penalty of perjury that the
31 foregoing is true and correct.

32 DATED: December 14, 1962.

M. D. Kelly
M. D. KELLY

05-67860

General Superintendent
of Mails Office

United States Post Office
San Francisco 19, California

1st CLASS

IN REPLYING
REPLY TO INITIALS AND DATE
GLM:wf

December 14, 1962

Mr. Joseph Robinson
Robinson & Company
830 Market Street
San Francisco 2, California

My dear Sir:

Further reference is made to our letter of November 16, 1962 listing the debits and credits on the postage due account for the Committee for the Preservation of the Democratic Party.

These tabulations were in connection with business reply returns under your Permit #2361.

Very truly yours
John F. Fixa
Postmaster

By: *G. L. Mannion*
G. L. Mannion
General Superintendent of Mails

GLM:wf

EXHIBIT "A"

CERTIFICATE OF SERVICE BY MAIL BY ATTORNEY

RALPH GOLUB certifies that he is an active member of the State Bar of California, and not a party to the within action. That his business address is 625 Market Street, San Francisco 5, California. That he served a copy of the attached SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER AND MOTION TO DISMISS, ETC. by placing said copies in an envelope addressed to:

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593 Market Street
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San Francisco, California

HOWARD J. FINN, Esq.
and
BROBECK, PHLEGER & HARRISON
111 Sutter Street
San Francisco, California

ALMON B. McCALLUM, Esq.
One Montgomery Street
San Francisco, California

which envelope was then sealed and postage fully prepaid thereon, and thereafter was on December 14, 1962, deposited in the United States mail at San Francisco, California.


RALPH GOLUB

1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4 Telephone: DOuglas 2-5077

5 Attorney for Defendants

FILED

DEC 14 1962

MARTIN MONGAN, Clerk

11/15/62
1274 3652

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

No. 526150

12 vs.

DEMURRER TO COMPLAINT

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
15 an unincorporated association, et al.,

16 Defendants.

17 Come now the defendants, COMMITTEE FOR THE PRESERVATION
18 OF THE DEMOCRATIC PARTY IN CALIFORNIA, an unincorporated
19 association, JOSEPH ROBINSON, HARRY J. BOYLE, ED FITZHARRIS,
20 AUSTIN HEALY, ROBINSON & CO., INC., a corporation, WILLIAM
21 MARLIN, individually and in his capacity as Executive Secretary
22 for defendant, Committee for the Preservation of the Democratic
23 Party in California, above named, and demur to the complaint of
24 plaintiffs on file herein on the following grounds, to wit:

25 I. That the complaint does not state facts to consti-
26 tute a cause of action.

27 II. That several causes of action have been improperly
28 united, or not separately stated, in that a purported cause of
29 action for libel has been joined in the same count with a
30 purported cause of action for misdemeanor violations of the
31 Elections Code, and in that a purported cause of action for libel
32 and a purported cause of action for misdemeanor violations of the

1 Elections Code have been joined with a purported cause of action
2 for unfair competition.

3 III. That the complaint is ambiguous in that it does
4 not appear therein, nor can it be ascertained therefrom:

5 A. How or in what manner plaintiffs are entitled
6 to injunctive relief;


7 B. How or in what manner plaintiffs have been
8 damaged in the sum of \$500,000.00, or in any sum at all.

9 IV. That the complaint is unintelligible for the same
10 reason that it is ambiguous.

11 V. That the complaint is uncertain for the same
12 reason that it is ambiguous and unintelligible.

13
14 WHEREFORE, defendants pray that plaintiffs take nothing
15 by said complaint, that the same be hence dismissed, and that
16 defendants have their costs of suit herein.

17
18 DATED: December 13, 1962.

19
20 
21 RALPH GOLUB
22 Attorney for Defendants Above Named
23
24
25
26
27
28
29
30
31
32

1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4 Telephone: DOuglas 2-5077

5 Attorney for Defendants
6

FILED

DEC 14 1962

MARTIN MONGAN, Clerk

By [Signature]
Deputy Clerk

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

No. 526150

12 vs.

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

15 Defendants.
16

17 NOTICE OF MOTION TO DISMISS ACTION, AND TO
18 DISSOLVE OR MODIFY PRELIMINARY INJUNCTION

19 TO: O'GARA AND O'GARA, GERALD D. MARCUS, WEBSTER V. CLARK, Esqs.,
20 Attorneys for Plaintiffs; HOWARD J. FINN, Esq. and
21 BROBECK, PHLEGER & HARRISON, Attorneys for Defendant,
22 Recorder Printing and Publishing Company; and ALMON B.
McCALLUM, Esq., Attorney for Defendant, Crocker-Anglo
National Bank;

23 YOU AND EACH OF YOU will please take notice that on
24 Friday, the 21st day of December, 1962, at 10:30 o'clock a.m. of
25 said day, or as soon thereafter as counsel can be heard, in the
26 court room of The Honorable Byron Arnold, Judge of Law and Motion,
27 Department Five, Room 465, City Hall, San Francisco, California,
28 the defendants, COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC
29 PARTY IN CALIFORNIA, an unincorporated association, JOSEPH
30 ROBINSON, HARRY J. BOYLE, ED FITZHARRIS, AUSTIN HEALY, ROBINSON &
31 CO., INC., a corporation, WILLIAM MARLIN, individually and in his
32 capacity as Executive Secretary for defendant, Committee for the

RALPH GOLUB
ATTORNEY AT LAW
625 MARKET STREET
SAN FRANCISCO 5
DOUGLAS 2-5077

1 Preservation of the Democratic Party in California, by their
2 said counsel, RALPH GOLUB, will move the court for an order
3 dismissing the above entitled action upon the grounds that:

- 4 1. The complaint does not state a cause of action;
- 5 2. The alleged cause of action in plaintiffs'
6 complaint is moot.

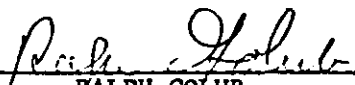
7 At the time and place aforesaid, said defendants will
8 also move the court for an order dissolving a preliminary
9 injunction made and entered in this action on the 2nd day of
10 November, 1962, upon the grounds that:

- 11 1. Said preliminary injunction is void;
- 12 2. Said preliminary injunction is moot;

13 or, in the alternative, for an order modifying said preliminary
14 injunction at least to the extent that all monies now on deposit
15 with the CROCKER-ANGLO NATIONAL BANK in the name of the defendant,
16 COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN
17 CALIFORNIA, may be withdrawn from deposit by said Committee on
18 the ground that none of said money was solicited, collected or
19 accepted from Democratic voters or anyone else by the use
20 directly or indirectly of any postcard, pamphlet, folder, letter
21 or writing in the form of Exhibit "A" attached to plaintiffs'
22 complaint herein, or in any form substantially similar to said
23 Exhibit "A".

24 This motion will be made and based upon this Notice of
25 Motion, upon all the pleadings, papers, documents filed with the
26 Clerk of the above entitled court in this action, upon all the
27 records of the proceedings heretofore undertaken in this action,
28 upon the Declaration of M. D. KELLY in Support of Motion to
29 Dismiss Action, and to Dissolve or Modify Preliminary Injunction,
30 and upon the Declaration of THOMAS L. GILLAM.

31 DATED: December 13, 1962.


RALPH GOLUB
Attorney for Defendants

1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4 Telephone: DOuglas 2-5077

5 Attorney for Defendants

FILED

DEC 14 1962

MARTIN MONGAN, Clerk

[Signature]
Deputy Clerk

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO
9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

12 vs.

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
15 an unincorporated association, et al.,

16 Defendants.

No. 526150

17 MEMORANDUM OF POINTS AND AUTHORITIES
18 IN SUPPORT OF DEMURRER

19 I.

20 THE COMPLAINT FAILS TO STATE A CAUSE OF ACTION.

21 A. A complaint in an action for defamation is insuf-
22 ficient where the publication complained of does not defame an
23 ascertainable person, and there is no such person ascertainable
24 in plaintiffs' complaint.

25 Noral v. Hearst Publications, Inc., 40 C.A.2d 348.
26 Harris v. Curtis Publishing Co., 49 C.A.2d 340.

27 B. Elections Code Sections 11592 and 12047 are void
28 on their face; and any alleged violation of Elections Code
29 Section 12301 as one of the grounds for the issuance of an
30 injunction is an unconstitutional application of said section by
31 the court.

32 People v. Bongiorno, 205 A.C.A. Supp. 466.
Talley v. State of California, 362 U.S. 60.

1 C. Plaintiffs' complaint does not and cannot state a
2 cause of action for any injunctive relief as such relief would
3 violate the defendants' right of free speech under the
4 Fourteenth Amendment to the Constitution of the United States
5 and under Article I, Section 9, of the Constitution of the State
6 of California.

7 Points and Authorities in Opposition to Motion for
8 Preliminary Injunction filed in this action by
9 these demurring defendants on October 29, 1962.

10 D. This court lacks jurisdiction to grant plaintiffs
11 any injunctive relief based on alleged violations of Elections
12 Code sections.

13 Points and Authorities in Opposition to Motion for
14 Preliminary Injunction, supra.

15 II.

16 PLAINTIFFS' COMPLAINT ATTEMPTS TO ALLEGE SEVERAL
17 CAUSES OF ACTION WHICH HAVE BEEN IMPROPERLY
18 OR NOT SEPARATELY STATED

19 A. Plaintiffs in their complaint purport to allege
20 at least three causes of action:

- 21 1. An action for libel;
22 2. An action for misdemeanor violations of the
23 Elections Code.
24 3. A suit for unfair competition.

25 The complaint is therefore defective in that these three purported
26 causes of action were not separately stated.

27 C.C.P. 430.

28 Campbell v. Rayburn, 129 C.A.2d 232.

29 Haddad v. McDowell, 213 Cal. 690.
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III.

PLAINTIFFS' COMPLAINT IS AMBIGUOUS,
UNINTELLIGIBLE AND UNCERTAIN

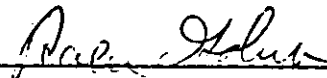
The complaint speaks for itself.

C.C.P. 430.

Also see authorities cited in support of general
demurrer, supra.

DATED: December 13, 1962.

Respectfully submitted,



RALPH GOLUB
Attorney for Demurring Defendants

This demurrer will be filed on December 14, 1962.

SUBPOENA ISSUED

FILED

NOV 27 1963

MARTIN MONGAN, Clerk

H. A. McHenry

GERALD J. O'GARA
O'GARA and O'GARA
1200 Mills Tower
San Francisco 4, California
EXbrook 2-2677
Attorneys for Plaintiffs

GERALD D. MARCUS
593 Market Street
San Francisco, California
Sutter 1-5500

WEBSTER V. CLARK
111 Sutter Street
San Francisco, California
EXbrook 2-1869
Of Counsel for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,
Plaintiffs,

-vs-

No. 526150

COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,
Defendants.

DECLARATION FOR ISSUANCE OF SUBPOENA
DUCES TECUM - DEPOSITION.

I, Gerald J. O'Gara, declare under penalty of perjury:

I am an attorney at law, duly licensed to practice my
profession in all of the courts of the State of California; I
am a member of the law firm of O'Gara and O'Gara and one of the
attorneys of record for the plaintiffs in the above entitled
action. I am authorized to and do make this declaration for and
on behalf of said plaintiffs.

On September 5, 1963, at his deposition, H. Robert Haldeman,
Campaign Manager of the Nixon for Governor Campaign Committee,
testified that Leone Baxter, also known as Leone Baxter Whitaker,
(hereinafter called Leone Baxter) informed him of the plan by
the Committee for the Preservation of the Democratic Party in

1 California to sponsor a mailing to large number of conservative
2 Democrats. He further testified that said mailing was the
3 postcard attached hereto as Exhibit B.

4 Because of her activity in soliciting the support and
5 financial aid of the Nixon for Governor Campaign Committee in
6 the production and mailing of the postcard, attached hereto as
7 Exhibit B, and her activity in the origination, production and
8 distribution of said Exhibit B, said Leone Baxter has had since
9 approximately August, 1962, and now has in her possession or
10 under her control, certain things described in Exhibit A
11 attached hereto which are material to the trial of this action
12 in establishing (a) the correspondence, conversations,
13 negotiations, arrangements, agreements, understandings,
14 instructions and directions made between and among defendants,
15 Committee for the Preservation of the Democratic Party in
16 California, Joseph Robinson, Robinson & Co., Inc., a corporation,
17 Harry J. Boyle, Ed Fitzharris, Austin Healy, William Marlin,
18 individually and in his capacity as Executive Secretary for the
19 defendant, Committee for the Preservation of the Democratic
20 Party in California, and the Recorder Printing and Publishing
21 Company and the Nixon for Governor Campaign Committee and
22 other persons, committees, firms and corporations supporting the
23 candidacy of Richard M. Nixon for Governor of California in the
24 1962 General Election, and (b) the nature, extent and details
25 of any negotiations, offers, proposals, and/or agreement for the
26 origination, publication and distribution of the postcard
27 attached hereto as Exhibit B, and/or the letter of October 15,
28 1962, attached hereto as Exhibit B-1 and/or the letter of
29 October 17, 1962 attached hereto as Exhibit B-2, and of any books,
30 papers, records of things evidencing or referring to such
31 negotiations, offers, proposals or agreements. The said things
32 which plaintiffs desire to examine and which have been and/or are

1 under the control of and/or the possession of Leone Baxter,
2 include but without limitation and are described without limita-
3 tion in Exhibit A attached hereto.

4 The production of the things specified in Exhibit A and
5 elsewhere above is material and necessary to the trial of this
6 action in that it will aid the preparation of plaintiffs' case
7 for trial and will facilitate the progress of the trial because
8 said things described in Exhibit A and elsewhere above will
9 support various allegations in plaintiffs' complaint, including
10 but without limitation the specific allegation that the postcard
11 attached as Exhibit B and the letters dated October 15, 1962 and
12 October 17, 1962 attached hereto as Exhibits B-1 and B-2
13 respectively, were in fact instigated, produced and financed
14 by the Nixon for Governor Campaign Committee and various other
15 persons, committees, firms and corporations supporting the
16 candidacy of Richard M. Nixon for Governor of California, rather
17 than by a committee of Democrats seeking to preserve the
18 Democratic Party in California.

19 That good cause exists for the production of the above
20 described matters and things by reason of the following facts:

21 The documents sought to be produced will constitute or
22 contain evidence relating to matters within the permissible
23 scope of examination, and that the defendants in this action were
24 acting not on behalf of the Democratic Party in California but
25 in fact they were acting for and on behalf of the Nixon for
26 Governor Campaign Committee.

27 Said documents are therefore material and necessary to the
28 trial of this action in that it will aid the preparation of
29 plaintiffs' case for trial.

30 WHEREFORE, plaintiffs pray that a subpoena duces tecum be
31 issued requiring Leone Baxter, individually and as an officer of
32 Whitaker and Baxter Inc. and Whitaker and Baxter International,

1 Inc., to attend at a deposition in person and to bring with her
2 the books, papers, documents, records and things described in
3 Exhibit A attached hereto and elsewhere above.

4 I declare under penalty of perjury that the foregoing is
5 true and correct.

6 Executed at San Francisco, California on November 27, 1963.
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9 GERALD J. O'GARA
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(1) All originals or or copies of letters, books, papers, documents, records, communications, correspondence, writings, agreements, contracts, arrangements, understandings, instructions, memoranda, negotiations or covenants, between Leone Baxter Whitaker, Whitaker and Baxter, Inc., Whitaker and Baxter International, Inc. and/or Robinson & Company, Inc. and/or Joseph Robinson, individually or in his capacity as President of Robinson & Co., Inc., and/or H. Robert Haldeman, individually and/or as Chairman of the Nixon for Governor Campaign Committee, and/or the Republican State Central Committee, and/or Caspar Weinberger, individually and/or as Chairman of said Republican State Central Committee, and relating to the matters described in this declaration.

(2) Any minutes, memoranda, records or writings reflecting any discussions or conversations concerning preliminary negotiations for drafting of the postcard, attached hereto, as Exhibit B, the letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(3) Any drafts of copy and/or copy of the postcard attached hereto as Exhibit B, letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(4) Any originals of or copies of letters, memorandum, communications, writings or correspondence approving and/or commenting on, in any way, the draft of or final of the copy for the postcard attached hereto as Exhibit B, letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(5) Any written memorandum and/or minutes of meetings between Leone Baxter, also known as Leone Whitaker Baxter, individually and/or in her capacity as an officer of Whitaker and Baxter, Inc., and/or Whitaker and Baxter International, Inc. and Robinson and Co. Inc., and/or any person employed by or representing said corporations

and/or Joseph Robinson and/or Caspar Weinberger individually and/or as Chairman of the Republican State Central Committee and/or Joseph Martin individually and/or as National Committeeman of the Republican National Committee and/or H. Robert Haldeman individually and/or in his capacity as Campaign Manager of the Nixon for Governor Campaign Committee, and relating to any of the matters in this declaration.

(6) Any contract of employment between Leone Baxter, also known as Leone Baxter Whitaker, and/or Baxter and Whitaker Inc. and/or Baxter and Whitaker International, Inc., and/or Robinson & Co., Inc. and/or Joseph Robinson and/or Caspar Weinberger individually and/or as Chairman of the Republican State Central Committee, and/or Joseph Martin, individually and/or as National Committeeman of the Republican National Committee and/or Republican State Central Committee.

(7) Any checks, vouchers, receipts for payment, deposit slips, check registers or writings which will establish that Leone Baxter was paid for services in connection with her activities for and on behalf of the Committee for the Preservation of the Democratic Party and/or in relation to the matters described in this declaration and that said payments were in fact made by the Nixon for Governor Campaign Committee and/or Republican State Central Committee or by any other person, firm or corporation, directly or indirectly.

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LOS ANGELES 87
J. DANA AND D. DANA
1715 15th HILLS TOWER
SAN FRANCISCO 4
EX-100 3-2879

*A Communication
of Extreme Importance
TO
CALIFORNIA DEMOCRATS*

*from the
Committee for the
Preservation of the
Democratic Party
in California*



BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8072

EX-100

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Dear Fellow Democrat:

☉ This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or weakly, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would veto any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

☉ The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party?

Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own?

☉ We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. ☉ Whatever we do, in the name of the Democratic Party—

Let's Not Deliver California to the CDC!

Committee for the Preservation of the Democratic Party in California
National Oil Bldg., 609 S. Grand, Los Angeles • Central Consular Bldg., 607 Market, San Francisco



TEAR OFF HERE — DO NOT MAIL AFTER OCTOBER 23, 1962



BUSINESS REPLY MAIL

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via ailes CDCI

Democratic Party in California
onsider Bldg. 607 Market, San Francisco

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LAW OFFICES OF
O'BARA AND O'BARA
SUITE 1800 HILLS TOWER
SAN FRANCISCO 4
CISCO 3-5677

TEAR OFF HERE DO NOT MAIL AFTER OCTOBER 23, 1962

Postage
Will Be Paid
by
Addressee

No
Postage Stamp
Necessary
If Mailed in the
United States

BUSINESS REPLY MAIL
First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California

EX-10117B

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1963

Dear fellow Americans:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

It is not an easy step to take. But this Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. The facts are, The CDC (California Democratic Council), which has espoused:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election time, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you!

Sincerely

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

Don't Deliver California to the CDC!

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 17, 1962

Dear fellow American:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

This Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the take-over by left-wing forces. These are the facts: The CDC (California Democratic Council) has espoused:

- Admitting Red China into the United Nations
- Moratorium on U.S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

and today the CDC is taking over and absorbing the State government of California.

Though it is still only a small minority, the CDC has been called "the most powerful political force in California" by thoughtful magazines and newspapers including the C.S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one has yet repudiated the organization's support.

The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders--not those of left-wing minorities--then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

encl.

Don't Deliver California to the CDC!

LAW OFFICES OF
D'BARA AND D'BARA
SUITE 1800 HILLS TOWER
SAN FRANCISCO 4
EXHIBIT 3-2477

EXHIBIT B-2

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of counsel for Plaintiffs

FILED

NOV 28 1963

MARTIN MORGAN, Clerk

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

-vs-

20 COMMITTEE FOR THE PRESERVATION OF
21 THE DEMOCRATIC PARTY IN CALIFORNIA,
22 an unincorporated association, et al.,

Defendants.

No. 526150

DECLARATION OF GERALD J.
O'GARA FOR ORDER
SHORTENING TIME FOR
SERVICE OF SUBPOENA-
DEPOSITION AND SUBPOENA
DUCES TECUM-DEPOSITION.

23 I, Gerald J. O'Gara, declare under penalty of perjury:

24 On November 27, 1963, subpoena directing Leone Baxter
25 Whitaker, also known as Leone Baxter, to appear and give her
26 deposition on December 10, 1963, and a subpoena duces tecum
27 requiring her to produce certain documents at the time of the
28 taking of her deposition, were issued by the clerk of the above
29 entitled court.

30 That said Leone Baxter Whitaker, alias, knows that said
31 subpoenas have been issued and is evading service of said subpoenas.

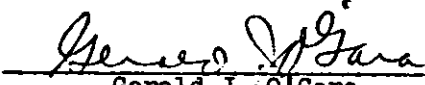
32 That declarant has informed said Leone Baxter Whitaker,
alias, of the necessity for taking her deposition and has requested
her to accept service of said subpoenas. That said Leone Baxter
Whitaker, alias, refuses to accept such service.

That the interests of justice require that the time for
serving said subpoenas on said Leone Baxter Whitaker, alias,

1 be shortened to on or before Wednesday, December 4, 1963, and
2 that the time for serving notice of the taking of said deposition
3 be shortened to the same date.

4 I declare under penalty of perjury that the foregoing
5 is true and correct.

6 Executed at San Francisco, California, on November 29, 1963.

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9 Gerald J. O'Gara
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1 GERALD J. O'GARA
O'GARA and O'GARA
2 1200 Mills Tower
San Francisco 4
3 EXbrook 2-2677
Attorneys for Plaintiffs

4 GERALD D. MARCUS
5 593 Market Street
San Francisco
6 Sutter 1-5500

7 WEBSTER V. CLARK
111 Sutter Street
8 San Francisco
EXbrook 2-1869
9 Of Counsel for Plaintiffs

FILED

NOV 29 1963

MARTIN MORGAN, Clerk
[Signature]
Deputy Clerk

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
11 CITY AND COUNTY OF SAN FRANCISCO

12 DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,

13 Plaintiffs,

No. 526150

14 -vs-

15 COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

ORDER SHORTENING TIME
FOR SERVICE OF SUBPOENA-
DEPOSITION AND SUBPOENA
DUCES TECUM-DEPOSITION.

16 Defendants.
17

18 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the time
19 for serving the subpoena-deposition and subpoena duces tecum-
20 deposition on Leone Baxter Whitaker, also known as Leone Baxter,
21 a material witness in the above entitled action, a copy of said
22 subpoena-deposition and subpoena duces tecum-deposition are
23 attached hereto, be shortened as follows, to wit, service of
24 said subpoena duces tecum - deposition and subpoena-deposition
25 shall be made upon Leone Baxter Whitaker, also known as Leone
26 Baxter, on or before Wednesday, December 4, 1963, and that notice of
27 the taking of said deposition may be given on or before said date.
Dated: November 29, 1963.

28 *[Signature]*
29 Judge of the Superior Court
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PROOF OF SERVICE BY MAIL — 1013a, 2013, (P.)

STATE OF CALIFORNIA

COUNTY OF

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within above entitled action ^{business} ~~any~~ address is:

1200 Mills Tower, San Francisco 4, California

On December 3, 1963, I served the within Notice of Taking

Deposition

on the defendants in said action, by placing a true copy thereof enclosed in a sealed envelope

with postage thereon fully prepaid, in the United States post office mail box at San Francisco addressed as follows:

Ralph Golub, Esq., 625 Market Street, San Francisco, Calif.
Almon B. McCallum, No. 1 Montgomery Street, San Francisco, Calif.
Lane P. Brennan, 111 Sutter Street, San Francisco, Calif.

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date December 3, 1963

Frances M. ^(Signature) Finigan

Proof of service by mail forms, being signed under penalty of perjury, do not require notarization.

ATTORNEYS PRINTING SUPPLY CO.

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
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10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of counsel for Plaintiffs

ENDORSED
FILED

NOV 29 1963

MARTIN MORGAN, CLERK

By E. G. McGREEVY
Deputy Clerk

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

-vs-

20 COMMITTEE FOR THE PRESERVATION OF
21 THE DEMOCRATIC PARTY IN CALIFORNIA,
22 an unincorporated association, et al.,

Defendants.

No. 526150

DECLARATION OF GERALD J.
O'GARA FOR ORDER
SHORTENING TIME FOR
SERVICE OF SUBPOENA-
DEPOSITION AND SUBPOENA
DUCES TECUM-DEPOSITION.

23 I, Gerald J. O'Gara, declare under penalty of perjury:

24 On November 27, 1963, subpoena directing Leone Baxter
25 Whitaker, also known as Leone Baxter, to appear and give her
26 deposition on December 10, 1963, and a subpoena duces tecum
27 requiring her to produce certain documents at the time of the
28 taking of her deposition, were issued by the clerk of the above
29 entitled court.

30 That said Leone Baxter Whitaker, alias, knows that said
31 subpoenas have been issued and is evading service of said subpoenas.

32 That declarant has informed said Leone Baxter Whitaker,
alias, of the necessity for taking her deposition and has requested
her to accept service of said subpoenas. That said Leone Baxter
Whitaker, alias, refuses to accept such service.

That the interests of justice require that the time for
serving said subpoenas on said Leone Baxter Whitaker, alias,

1 be shortened to on or before Wednesday, December 4, 1963, and
2 that the time for serving notice of the taking of said deposition
3 be shortened to the same date.

4 I declare under penalty of perjury that the foregoing
5 is true and correct.

6 Executed at San Francisco, California, on November 29, 1963.

7 Gerald J. O'Gara
8 Gerald J. O'Gara
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SUBPOENA ISSUED

FILED

OCT 10 1963

MARTIN MONGAN, Clerk

[Signature]

GERALD J. O'GARA
O'GARA and O'GARA
1200 Mills Tower
San Francisco 4
EXbrook 2-2677
Attorneys for Plaintiffs

GERALD D. MARCUS
593 Market Street
San Francisco
Sutter 1-5500

WEBSTER V. CLARK
111 Sutter Street
San Francisco
EXbrook 2-1869
Of Counsel for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,
Plaintiffs,

-VS-

COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,
Defendants.

No. 526150

DECLARATION FOR ISSUANCE OF SUBPOENA
DUCES TECUM - DEPOSITION.

I, Gerald J. O'Gara, declare under penalty of perjury:

I am an attorney at law, duly licensed to practice my
profession in all of the courts of the State of California; I
am a member of the law firm of O'Gara and O'Gara and one of the
attorneys of record for the plaintiffs in the above entitled action.
I am authorized to and do make this declaration for and on behalf
of said plaintiffs.

On September 5, 1963, at his deposition, H. Robert Haldeman,
Campaign Manager of the Nixon for Governor Campaign Committee,
testified that Leone Baxter, also known as Leone Baxter Whitaker,
(hereinafter called Leone Baxter) informed him of the plan by
the Committee for the Preservation of the Democratic Party in

1 California to sponsor a mailing to large number of conservative
2 Democrats. He further testified that said mailing was the
3 postcard attached hereto as Exhibit B.

4 Because of her activity in soliciting the support and
5 financial aid of the Nixon for Governor Campaign Committee in
6 the production and mailing of the postcard, attached hereto as
7 Exhibit B, and her activity in the origination, production and
8 distribution of said Exhibit B, said Leone Baxter has had since
9 approximately August, 1962, and now has in her possession or
10 under her control, certain things described in Exhibit A
11 attached hereto which are material to the trial of this action
12 in establishing (a) the correspondence, conversations,
13 negotiations, arrangements, agreements, understandings,
14 instructions and directions made between and among defendants,
15 Committee for the Preservation of the Democratic Party in
16 California, Joseph Robinson, Robinson & Co., Inc., a corporation,
17 Harry J. Boyle, Ed Fitzharris, Austin Healy, William Marlin,
18 individually and in his capacity as Executive Secretary for the
19 defendant, Committee for the Preservation of the Democratic
20 Party in California, and the Recorder Printing and Publishing
21 Company and the Nixon for Governor Campaign Committee and
22 other persons, committees, firms and corporations supporting the
23 candidacy of Richard M. Nixon for Governor of California in the
24 1962 General Election, and (b) the nature, extent and details
25 of any negotiations, offers, proposals, and/or agreement for the
26 origination, publication and distribution of the postcard
27 attached hereto as Exhibit B, and/or the letter of October 15,
28 1962, attached hereto as Exhibit B-1 and/or the letter of
29 October 17, 1962 attached hereto as Exhibit B-2, and of any books,
30 papers, records of things evidencing or referring to such negotiat
31 offers, proposals or agreements. The said things which plaintiffs
32 desire to examine and which have been and/or are under the control
of and/or the possession of Leone Baxter, include but without

1 limitation and are described without limitation in Exhibit A
2 attached hereto.

3 The production of the things specified in Exhibit A and
4 elsewhere above is material and necessary to the trial of this
5 action in that it will aid the preparation of plaintiffs' case
6 for trial and will facilitate the progress of the trial because
7 said things described in Exhibit A and elsewhere above will
8 support various allegations in plaintiffs' complaint, including
9 but without limitation the specific allegation that the postcard
10 attached as Exhibit B and the letters dated October 15, 1962 and
11 October 17, 1962 attached hereto as Exhibits B-1 and B-2
12 respectively, were in fact instigated, produced and financed
13 by the Nixon for Governor Campaign Committee and various other
14 persons, committees, firms and corporations supporting the
15 candidacy of Richard M. Nixon for Governor of California, rather
16 than by a committee of Democrats seeking to preserve the
17 Democratic Party in California.

18 That good cause exists for the production of the above
19 described matters and things by reason of the following facts:

20 The documents sought to be produced will constitute or
21 contain evidence relating to matters within the permissible scope
22 of examination, and that the defendants in this action were
23 acting not on behalf of the Democratic Party in California but
24 in fact they were acting for and on behalf of the Nixon for
25 Governor Campaign Committee.

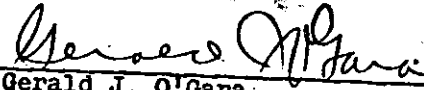
26 Said documents are therefore material and necessary to the
27 trial of this action in that it will aid the preparation of
28 plaintiffs' case for trial.

29 WHEREFORE plaintiffs pray that a subpoena duces tecum be
30 issued requiring Leone Baxter, individually and as an officer of
31 Whitaker and Baxter Inc. and Whitaker and Baxter International,
32 Inc., to attend at a deposition in person and to bring with her

1 the books, papers, documents, records and things described in
2 Exhibit A attached hereto and elsewhere above.

3 I declare under penalty of perjury that the foregoing is
4 true and correct.

5 Executed at San Francisco, California, on October 9, 1963.
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7 
8 Gerald J. O'Gara
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(1) All originals of or copies of letters, books, papers, documents, records, communications, correspondence, writings, agreements, contracts, arrangements, understandings, instructions, memoranda, negotiations or covenants, between Whitaker and Baxter, Inc., Leone Baxter Whitaker, Baxter International, Inc. and/or Robinson & Company, Inc. and/or Joseph Robinson, individually or in his capacity as President of Robinson & Co., Inc., and/or H. Robert Haldeman, individually and/or as Chairman of the Nixon for Governor Campaign Committee, and/or the Republican State Central Committee, and/or Caspar Weinberger, individually and/or as Chairman of said Republican State Central Committee, and relating to the matters described in this declaration.

(2) Any minutes, memoranda, records or writings reflecting any discussions or conversations concerning preliminary negotiations for drafting of the postcard, attached hereto, as Exhibit B, the letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(3) Any drafts of copy and/or copy of the postcard attached hereto as Exhibit B, letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(4) Any originals of or copies of letters, memorandum, communications, writings or correspondence approving and/or commenting on, in any way, the draft of or final of the copy for the postcard attached hereto as Exhibit B, letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(5) Any written memorandum and/or minutes of meetings between Leone Baxter, also known as Leone Whitaker Baxter, individually and/or in her capacity as an officer of Whitaker and Baxter, Inc., and/or Whitaker and Baxter International, Inc. and Robinson and Co. Inc., and/or any person employed by or representing said corporations

and/or Joseph Robinson and/or Caspar Weinberger individually and/or as Chairman of the Republican State Central Committee and/or Joseph Martin individually and/or as National Committeeman of the Republican National Committee and/or H. Robert Haldeman individually and/or in his capacity as Campaign Manager of the Nixon for Governor Campaign Committee, and relating to any of the matters in this declaration.

(6) Any contract of employment between Leone Baxter, also known as Leone Baxter Whitaker, and/or Baxter and Whitaker Inc. and/or Baxter and Whitaker International, Inc., and/or Robinson & Co. Inc. and/or Joseph Robinson and/or Caspar Weinberger individually and/or as Chairman of the Republican State Central Committee, and/or Joseph Martin, individually and/or as National Committeeman of the Republican National Committee and/or Republican State Central Committee.

(7) Any checks, vouchers, receipts for payment, deposit slips, check registers or writings which will establish that Leone Baxter was paid for services in connection with her activities for and on behalf of the Committee for the Preservation of the Democratic Party and/or in relation to the matters described in this declaration and that said payments were in fact made by the Nixon for Governor Campaign Committee and/or Republican State Central Committee or by any other person, firm or corporation, directly or indirectly.

LOS ANGELES
D'BARA and D'BARA
SUITE 1808 HILLS TOWER
SAN FRANCISCO 4
EX-100 3-2677

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*A Communication
of Extreme Importance*

**TO
CALIFORNIA DEMOCRATS**

from the

*Committee for the
Preservation of the
Democratic Party*

in California



BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8092

EX-100 3-2677

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Dear Fellow Democrat:

This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

- Admitting Red China into the United Nations
- Meratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or weakly, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would veto any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party?

Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own?

We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. Whatever we do, in the name of the Democratic Party—

Let's Not Deliver California to the CDC!

Committee for the Preservation of the Democratic Party in California
National Oil Bldg., 609 S. Grand, Los Angeles • Central Consular Bldg., 607 Market, San Francisco



TEAR OFF HERE — DO NOT MAIL AFTER OCTOBER 23, 1962

BUSINESS REPLY MAIL
Post-Office Permit No. 2261, San Francisco, Calif.



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to ask you: Are you aware of four years? Many Democrats in the Democratic Party by the Democrats are frankly revolted at which have included:

campuses

American Activities
Democratic Party

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nefiting the Party, is capturing

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the CDC Convention in Fresno
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reversed Democratic principles
ctives are foreign to our own?

a positive weapon — simple
the power of the CDC by
acceptable Republicans—if we
a of the Democratic Party —

to the CDC!

ocratic Party in California
der Bldg. 607 Market, San Francisco

IF AN CIT HERE DO NOT MAIL AFTER JAN 21 1963

Postage
Will Be Paid
by
Addressee

No
Postage Stamp
Necessary
If Mailed in the
United States

BUSINESS REPLY MAIL

First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California

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51
52

LAW OFFICES OF
D'ISABIA AND D'ISABIA
SUITE 1808 HILLS TOWER
SAN FRANCISCO 4
EXHIBIT B-5877

EXHIBIT B

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

407 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1962

Dear fellow Americans:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

It is not an easy step to take. But this Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. The facts are, The CDC (California Democratic Council), which has espoused:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

Today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election time, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you!

Sincerely

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

Don't Deliver California to the CDC!

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 17, 1962

Dear fellow American:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

This Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the take-over by left-wing forces. These are the facts: The CDC (California Democratic Council) has espoused:

- Admitting Red China into the United Nations
- Moratorium on U.S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

and today the CDC is taking over and absorbing the State government of California.

Though it is still only a small minority, the CDC has been called "the most powerful political force in California" by thoughtful magazines and newspapers including the U.S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one has yet repudiated the organization's support.

The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders--not those of left-wing minorities--then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

Committee for the Preservation of
the Democratic Party

William Marlin
William Marlin, Executive Secretary

encl.

Don't Deliver California to the CDC!

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

20 -VS-

21 COMMITTEE FOR THE PRESERVATION OF
22 THE DEMOCRATIC PARTY IN CALIFORNIA,
23 an unincorporated association,
24 et al.,

Defendants.

FILED

OCT 16 1963

MARTIN MORGAN, Clerk

E. Thomas
Deputy Clerk

No. 526150

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF San Francisco

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within above entitled action; my ^{business} address is:

1200 Mills Tower, San Francisco 4, California

On October 10, 1963, I served the within Notice of Taking Depositions

on the defendants in said action, by placing a true copy thereof enclosed in a sealed envelope

with postage thereon fully prepaid, in the United States post office mail box at San Francisco addressed as follows:

Ralph Golub, Esq., 625 Market Street, San Francisco, Calif.
Almon B. McCallum, Esq., No. 1 Montgomery Street, San Francisco, Calif.
Lane P. Brennan, Esq., Brobeck, Phleger and Harrison,
111 Sutter Street, San Francisco, Calif.

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date October 10, 1963

Francis M. Finigan
(Signature)

proof of service by mail forms, being signed under penalty of perjury, do not require notarization.

ATTORNEY PRINTING SUPPLY CO.

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
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11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,
20 Plaintiffs,

21 -vs-

22 COMMITTEE FOR THE PRESERVATION OF
23 THE DEMOCRATIC PARTY IN CALIFORNIA,
24 an unincorporated association,
25 et al.,
26 Defendants.

No. 526150

NOTICE OF TAKING
DEPOSITIONS

27 TO: RALPH GOLUB, ESQ., Attorney for Defendants COMMITTEE FOR
28 THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA,
29 an unincorporated association, JOSEPH ROBINSON, HARRY J.
30 DOYLE, ED FITZHARRIS, AUSTIN HEALY, ROBINSON & CO., INC.,
31 a corporation, and WILLIAM MARLIN, individually and in
32 his capacity as Executive Secretary for DEFENDANT
COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN
CALIFORNIA: HOWARD J. FINN, ESQ., and BROBECK, PHLEGER AND
HARRISON, Attorneys for Defendants RECORDER PRINTING AND
PUBLISHING COMPANY and BERNHARD A. HANSEN and ALMON B.
McCALLUM, Esq., Attorney for Defendant CROCKER ANGLO
NATIONAL BANK;

YOU AND EACH OF YOU will please take notice that commencing
at 10:00 o'clock A. M., on Tuesday, October 22, 1963, at
Room 1200, Mills Tower, 220 Bush Street, San Francisco, California,
plaintiffs will take the depositions of Leone Baxter, also known
as Leone Baxter Whitaker, individually and as an officer of
Whitaker and Baxter, Inc., and Whitaker and Baxter International,
of San Francisco, California, Caspar Weinberger, individually

1 and as Chairman of the Republican State Central Committee,
2 of San Francisco, California, and Joseph Martin Jr., individually
3 and as National Committeeman to the Republican National
4 Committee, of San Francisco, California, upon oral examination
5 before any qualified notary public in and for the City and
6 County of San Francisco. Said depositions will be taken
7 according to the following schedule:

8 October 22, 1963, 10:00 A. M. - Deposition of
9 Leone Baxter, also known as Leone
Baxter Whitaker

10 October 23, 1963, 10:00 A. M. - Deposition of
11 Caspar Weinberger

12 October 24, 1963, 10:00 A. M. - Deposition of
13 Joseph Martin, Jr.

14 Said depositions will continue from day to day until
15 completed.

16 Dated: October 10, 1963.

17 GERALD J. O'GARA

18 Gerald J. O'Gara
19 O'Gara and O'Gara
20 Attorneys for Plaintiffs

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
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11 WEBSTER V. CLARK
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14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,
20 Plaintiffs,

No. 526150

21 -vs-

22 COMMITTEE FOR THE PRESERVATION OF
23 THE DEMOCRATIC PARTY IN CALIFORNIA,
24 an unincorporated association, et al.,
25 Defendants.

DECLARATION FOR ISSUANCE
OF SUBPOENA DUCES TECUM
DEPOSITION

26 I, Gerald J. O'Gara, declare under penalty of perjury:

27 I am an attorney at law, duly licensed to practice my
28 profession in all the courts of California. I am a member of the
29 law firm of O'Gara and O'Gara and am the attorney of record for
30 plaintiffs in the above entitled action. I am authorized to and
31 do make this declaration for and on behalf of said plaintiffs.

32 Joseph Martin, Jr. was, at the time suit in the above entitled
action was commenced, and is now National Committeeman for
California on the Republican National Committee; that by and through
his office as said National Committeeman he has had since
approximately August 1962 and now has in his possession and/or
under his control certain things described in Exhibit A attached
hereto which are material to the trial of this action in
establishing (a) the correspondence, conversations, negotiations,

1 arrangements, agreements, understandings, instructions and
2 directions made between and among defendants, Committee for the
3 Preservation of the Democratic Party in California, Joseph
4 Robinson, Robinson and Company, Inc., a corporation, Harry J. Boyle,
5 Ed Fitzharris, Austin Healy, William Marlin, individually and in
6 his capacity as Executive Secretary for defendant, Committee for
7 the Preservation of the Democratic Party in California, Recorder
8 Printing and Publishing Company, Bernhard A. Hansen, and/or
9 Robert Haldeman, individually and/or in his capacity as Campaign
10 Manager of the Nixon for Governor Campaign Committee, Nixon for
11 Governor Campaign Committee, Republican State Central Committee,
12 Joseph Martin Jr., individually or in his capacity as National
13 Committeeman for California on the Republican National Committee,
14 and other persons, committees, firms and corporations supporting the
15 candidacy of Richard M. Nixon for Governor of California in the
16 1962 General Election, and (b) the nature, extent and details of
17 any negotiations, offers, proposals, and/or agreement for the
18 origination, publication and distribution of the postcard attached
19 hereto as Exhibit B, and/or the letter of October 15, 1962 attached
20 hereto as Exhibit B-1, and/or the letter of October 17, 1962
21 attached hereto as Exhibit B-2, and of any books, papers, records
22 or things evidencing or referring to such negotiations, offers,
23 proposals or agreements, including any books, papers, records,
24 proposals, agreements and/or contracts evidencing an authorization
25 by the above-named persons or groups to originate, organize and
26 direct the Committee for the Preservation of the Democratic Party
27 in California or things evidencing or referring to such negotiation
28 offers, proposals or agreements. The said things which plaintiffs
29 desire to examine and which have been and/or are under the control
30 of and/or possession of Joseph Martin, Jr. include but without
31 limitation and are described without limitation in Exhibit A
32 attached hereto.

1 The production of the things specified in Exhibit A and
2 elsewhere above is material and necessary to the trial of this
3 action in that it will aid the preparation of plaintiffs' case for
4 trial and will facilitate the progress of the trial because said
5 things described in Exhibit A and elsewhere above will support
6 various allegations in plaintiffs' complaint, including but without
7 limitation the specific allegation that the postcard attached as
8 Exhibit B and the letters dated October 15, 1962 and October 17,
9 1962 attached hereto as Exhibits B-1 and B-2 respectively, were
10 in fact instigated, produced and financed by the Nixon for Governor
11 Campaign Committee, Republican State Central Committee and various
12 persons, committees, firms and corporations supporting the candidacy
13 of Richard M. Nixon for Governor of California, rather than by a
14 committee of Democrats seeking to preserve the Democratic Party in
15 California.

16 That good cause exists for the production of the above
17 described matters and things by reason of the following facts:

18 The documents sought to be produced will constitute or
19 contain evidence relating to matters within the permissible scope
20 of examination, and showing that the defendants in this action were
21 not acting for and on behalf of the Democratic Party in California
22 but in fact they were acting for and on behalf of the Nixon for
23 Governor Campaign Committee and the Republican State Central Committee
24 and other Republican organizations.

25 WHEREFORE, plaintiffs pray that a subpoena duces tecum be
26 issued requiring Joseph Martin, Jr., individually and/or as
27 Republican National Committeeman to attend at a deposition in person
28 and to bring with him the books, papers, documents, records and things
29 described in Exhibit A attached hereto and elsewhere above.

30 I declare under penalty of perjury that the foregoing is
31 true and correct.

32 Executed at San Francisco, California, on October 9, 1963.

Gerald J. O'Gara
Gerald J. O'Gara

(1) All originals of or copies of letters, books, papers, documents, records, communications, correspondence, writings, agreements, contracts, arrangements, understandings, instructions, memoranda, negotiations, covenants, receipts for contributions, relating to the issues in this action as set forth in this declaration, including but without limitation, any agreements, understandings or communications between Joseph Martin, Jr., individually and/or in his capacity as National Committeeman for California on the Republican National Committee or otherwise, and Leone Baxter, also known as Leone Baxter Whitaker and/or Whitaker and Baxter, Inc. and/or Whitaker and Baxter International, Inc., and/or Robinson and Co., Inc., and/or Joseph Robinson, individually and/or in his capacity as President of Robinson and Co., Inc. and/or Harry J. Boyle, and/or Ed Fitzharris, and/or Austin Healy, and/or William Marlin, individually and/or in his capacity as Executive Secretary of the Committee for the Preservation of the Democratic Party in California, and/or Beatrice Kay, and/or Recorder Printing and Publishing Company, and/or Bernhard A. Hansen, and/or the Committee for the Preservation of the Democratic Party in California, and/or H. Robert Haldeman, individually and/or in his capacity as Campaign Manager of the Nixon for Governor Campaign Committee.

(2) Any minutes, memoranda, records or writings reflecting any revisions, suggestions or comments on the draft and/or final copy of the postcard attached hereto as Exhibit B, the letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(3) Any written memorandum, paper or document approving, ratifying, or discussing the preliminary draft and/or final copy for the postcard attached hereto as Exhibit B, the letter of October 15, 1962, attached hereto as Exhibit B-1, and the letter of October 17, 1962, attached hereto as Exhibit B-2.

(4) Any contract or agreement between Leone Baxter, also known as Leone Baxter Whitaker, individually or in her capacity as an

officer of Whitaker and Baxter, Inc. and/or Whitaker and Baxter International, Inc., and Joseph Martin, Jr., individually and/or in his capacity as National Committeeman for California on the Republican National Committee, relating to the matters described in this declaration.

(5) Any correspondence, letters, writings, memoranda, documents or notes of communications or conversations between H. Robert Haldeman, individually and/or in his capacity as Campaign Manager of the Nixon for Governor Campaign Committee or otherwise, and Joseph Martin, Jr., individually and/or in his capacity as National Committeeman for California on the Republican National Committee, relating to the matters described in this declaration.

BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8072

*A Communication
of Extreme Importance
TO
CALIFORNIA DEMOCRATS*

*from the
Committee for the
Preservation of the
Democratic Party
in California*



LAW OFFICES OF
D'IDARA AND D'IDARA
SUITE 1000 WILKS TOWER
SAN FRANCISCO 4
EXHIBIT 3-6677

EXHIBIT

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Dear Fellow Democrat:

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- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or weakly, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would veto any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party?

Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own?

☐ We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. ☐ Whatever we do, in the name of the Democratic Party—

Let's Not Deliver California to the CDC!

Committee for the Preservation of the Democratic Party in California
National Oil Bldg., 609 S. Grand, Los Angeles • Central Consular Bldg., 607 Market, San Francisco



TEAR OFF HERE — DO NOT MAIL AFTER OCTOBER 23, 1962



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Party in California
607 Market, San Francisco

FROM OCT 10 1962 TO OCT 21 1962

Postage
Will Be Paid
by
Addressee

No
Postage Stamp
Necessary
If Mailed in the
United States

BUSINESS REPLY MAIL

First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California

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UN OFFICE OF
O'DARA AND O'DARA
SUITE 1000 HILLS TOWER
SAN FRANCISCO 4
EX-1000 2-8577

EX-1000

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1962

Dear fellow Americans:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

It is not an easy step to take. But this Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. The facts are, The CDC (California Democratic Council), which has espoused:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party--

today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election time, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you!

Sincerely

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

Don't Deliver California to the CDC!

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 17, 1962

Dear fellow American:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF DECENT GOVERNMENT.

This Committee deeply believes that not only one of our great political parties--but our State government--is seriously threatened by the take-over by left-wing forces. These are the facts: The CDC (California Democratic Council) has espoused:

Admitting Red China into the United Nations
Moratorium on U.S. nuclear testing
Allowing subversives to speak on college campuses
Abolition of State and Federal loyalty oaths
Abolition of the House Committee on Un-American Activities
Foreign aid to countries with Communist governments
Refusal to bar Communists from the Democratic Party--

and today the CDC is taking over and absorbing the State government of California.

Though it is still only a small minority, the CDC has been called "the most powerful political force in California" by thoughtful magazines and newspapers including the C.S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one has yet repudiated the organization's support.

The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders--not those of left-wing minorities--then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

encl.

Don't Deliver California to the CDC!

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

SUBPOENA ISSUED

FILED

OCT 10 1963

MARTIN MORGAN, Clerk

[Signature]

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

-VS-

20 COMMITTEE FOR THE PRESERVATION OF
21 THE DEMOCRATIC PARTY IN CALIFORNIA,
22 an unincorporated association, et al.,

Defendants.

No. 526150

DECLARATION FOR ISSUANCE
OF SUBPOENA DUCES TECUM
DEPOSITION.

23 I, Gerald J. O'Gara, declare under penalty of perjury:

24 I am an attorney at law, duly licensed to practice my
25 profession in all the courts of California. I am a member of the
26 law firm of O'Gara and O'Gara and am the attorney of record for
27 plaintiffs in the above entitled action. I am authorized to and
28 do make this declaration for and on behalf of said plaintiffs.

29 Caspar Weinberger was, at the time suit in the above entitled
30 action was commenced, and is now Chairman of the Republican State
31 Central Committee; that by and through his office as said
32 Chairman of the Republican State Central Committee he has had
since approximately August 1962 and now has in his possession
and/or under his control certain things described in Exhibit A
attached hereto which are material to the trial of this action
in establishing (a) the correspondence, conversations, negotiations

LAW OFFICES OF
O'GARA AND O'GARA
1200 MILLS TOWER
SAN FRANCISCO 4
EXBROOK 2-2677

1 arrangements, agreements, understandings, instructions and
2 directions made between and among defendants, Committee for the
3 Preservation of the Democratic Party in California, Joseph Robinson,
4 Robinson and Company, Inc., a corporation, Harry J. Boyle, Ed
5 Fitzharris, Austin Healy, William Marlin, individually and in his
6 capacity as Executive Secretary for defendant, Committee for the
7 Preservation of the Democratic Party in California, Recorder
8 Printing and Publishing Company, Bernhard A. Hansen, and/or
9 Robert Haldeman, individually and/or in his capacity as Campaign
10 Manager of the Nixon for Governor Campaign Committee, Nixon for
11 Governor Campaign Committee, Republican State Central Committee,
12 Caspar Weinberger, individually or in his capacity as Chairman
13 of the Republican State Central Committee and other persons,
14 committees, firms and corporations supporting the candidacy of
15 Richard M. Nixon for Governor of California in the 1962 General
16 Election, and (b) the nature, extent and details of any
17 negotiations, offers, proposals, and/or agreement for the
18 origination, publication and distribution of the postcard
19 attached hereto as Exhibit B, and/or the letter of October 15,
20 1962 attached hereto as Exhibit B-1, and/or the letter of
21 October 17, 1962 attached hereto as Exhibit B-2, and of any
22 books, papers, records or things evidencing or referring to such
23 negotiations, offers, proposals or agreements, ^{including} any books, papers,
24 records, proposals, agreements and/or contracts evidencing an
25 authorization by the above-named persons or groups to originate,
26 organize and direct the Committee for the Preservation of the
27 Democratic Party in California or things evidencing or referring
28 to such negotiations, offers, proposals or agreements. The
29 said things which plaintiffs desire to examine and which have
30 been and/or are under the control of and/or possession of
31 Caspar Weinberger include but without limitation and are
32 described without limitation in Exhibit A attached hereto.

1 The production of the things specified in Exhibit A and
2 elsewhere above is material and necessary to the trial of this action
3 in that it will aid the preparation of plaintiffs' case for
4 trial and will facilitate the progress of the trial because
5 said things described in Exhibit A and elsewhere above will
6 support various allegations in plaintiffs' complaint, including
7 but without limitation the specific allegation that the postcard
8 attached as Exhibit B and the letters dated October 15, 1962 and
9 October 17, 1962 attached hereto as Exhibits B-1 and B-2
10 respectively, were in fact instigated, produced and financed by
11 the Nixon for Governor Campaign Committee, Republican State
12 Central Committee and various persons, committees, firms and
13 corporations supporting the candidacy of Richard M. Nixon for
14 Governor of California, rather than by a committee of Democrats
15 seeking to preserve the Democratic Party in California.

16 That good cause exists for the production of the above
17 described matters and things by reason of the following facts:

18 The documents sought to be produced will constitute or
19 contain evidence relating to matters within the permissible scope
20 of examination, ^{showing} and that the defendants in this action were not
21 acting for and on behalf of the Democratic Party in California but
22 in fact they were acting for and on behalf of the Nixon for Governor
23 Campaign Committee and the Republican State Central Committee.

24 WHEREFORE, plaintiffs pray that a subpoena duces tecum be
25 issued requiring Caspar Weinberger, individually and/or as Chairman
26 of the Republican State Central Committee to attend at a
27 deposition in person and to bring with him the books, papers,
28 documents, records and things described in Exhibit A attached
29 hereto and elsewhere above.

30 I declare under penalty of perjury that the foregoing is
31 true and correct.

32 Executed at San Francisco, California, on October 9, 1963.

Gerald J. O'Gara
Gerald J. O'Gara

(1) All originals of or copies of letters, books, papers, documents, records, communications, correspondence, writings, agreements, contracts, arrangements, understandings, instructions, memoranda, negotiations, covenants, receipts for contributions, relating to the issues in this action as set forth in this declaration, including but without limitation, any agreements, understandings or communications between Caspar Weinberger, individually and/or in his capacity as Chairman of the Republican State Central Committee or otherwise, and Leone Baxter, also known as Leone Baxter Whitaker and/or Whitaker and Baxter, Inc. and/or Whitaker and Baxter International, Inc., and/or Robinson and Co., Inc., and/or Joseph Robinson, individually and/or in his capacity as President of Robinson and Co., Inc. and/or Harry J. Boyle, and/or Ed Fitzharris, and/or Austin Healy, and/or William Marlin, individually and/or in his capacity as Executive Secretary of the Committee for the Preservation of the Democratic Party in California, and/or Beatrice Kay, and/or Recorder Printing and Publishing Company, and/or Bernhard A. Hansen, and/or the Committee for the Preservation of the Democratic Party in California, and/or H. Robert Haldeman, individually and/or in his capacity as Campaign Manager of the Nixon for Governor Campaign Committee.

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(5) Any correspondence, letters, writings, memoranda or documents between H. Robert Haldeman, individually and/or in his capacity as Campaign Manager of the Nixon for Governor Campaign Committee or otherwise and Caspar Weinberger individually and/or in his capacity as Chairman of the Republican State Central Committee, relating to the matters described in this declaration.

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BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8092

*A Communication
of Extreme Importance
TO
CALIFORNIA DEMOCRATS
from the
Committee for the
Preservation of the
Democratic Party
in California*



EXHIBIT B

LAW OFFICES OF
HODARA AND O'BRIEN
JUNE 1968 15445 TOWER
SAN FRANCISCO 4
EXHIBIT B-1697

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Dear Fellow Democrat:

This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

- Admitting Red China into the United Nations
- Meratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

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Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

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Let's Not Deliver California to the CDC!

Committee for the Preservation of the Democratic Party in California
National Oil Bldg., 609 S. Grand, Los Angeles • Central Consular Bldg., 407 Market, San Francisco



TEAR OFF HERE — DO NOT MAIL AFTER OCTOBER 23, 1962



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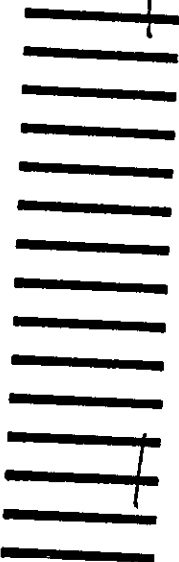
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ocratic Party in California
nder 849, 607 Market, San Francisco

TEAR OFF HERE DO NOT MAIL AFTER OCTOBER 20, 1962

No
Postage Stamp
Necessary
If Mailed in the
United States



BUSINESS REPLY MAIL
First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,
607 Market Street,
San Francisco 5, California

Postage
Will Be Paid
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Addressee

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LOW OFFERS BY
O'DARA AND O'DARA
BUTTE 1800 WILLS TOWER
SAN FRANCISCO 4
CAREER 5-5977

EXHIBIT B

COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA

407 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 15, 1962

Dear American:

The enclosed Poll will be self-explanatory. WE BELIEVE YOU WILL AGREE THIS IS ONE OF THE MOST IMPORTANT STEPS EVER TAKEN IN CALIFORNIA HISTORY IN BEHALF OF THE DEMOCRATIC GOVERNMENT.

It is not an easy step to take. But this Committee deeply believes that not only the great political parties--but our State government--is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. This is the CDC (California Democratic Council), which has espoused:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
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Refusal to bar Communists from the Democratic Party--
today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California--and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

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Sincerely

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

Don't Deliver California to the CDC!

EXHIBIT B - /

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA

607 Market Street, San Francisco, California • 609 So. Grand Avenue, Los Angeles, California

October 17, 1962

Dear fellow American:

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The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization--the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders--not those of left-wing minorities--then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

Committee for the Preservation of
the Democratic Party

William Marlin

William Marlin, Executive Secretary

encl.

Don't Deliver California to the CDC!

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 San Francisco 4
4 EXbrook 2-2677
5 Attorneys for Plaintiffs

6 GERALD D. MARCUS
7 593 Market Street
8 San Francisco 4
9 Sutter 1-5500

10 WEBSTER V. CLARK
11 111 Sutter Street
12 San Francisco 4
13 EXbrook 2-1869
14 Of Counsel for Plaintiffs

FILED

JUN 13 1963

MARTIN MONGAN, Clerk

[Signature]
Deputy Clerk

15 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
16 CITY AND COUNTY OF SAN FRANCISCO

17 DEMOCRATIC STATE CENTRAL COMMITTEE,
18 et al.,
19 Plaintiffs,

No. 526150

20 -vs-

STIPULATION CONCERNING
CERTAIN ENVELOPES

21 COMMITTEE FOR THE PRESERVATION OF
22 THE DEMOCRATIC PARTY IN CALIFORNIA,
23 an unincorporated association,
24 et al.,
25 Defendants.

**ORDER*

26 IT IS HEREBY STIPULATED by and between plaintiffs and
27 defendants, Committee for the Preservation of the Democratic
28 Party in California, an unincorporated association, Joseph E.
29 Robinson, Robinson and Co., Inc., a corporation, William Marlin,
30 individually and sued herein as Eighth Doe in his capacity as
31 Executive Secretary of the Committee for the Preservation of the
32 Democratic Party in California, Harry J. Boyle, Ed Fitzharris,
sued herein as First Doe, Austin Healy, sued herein as Third Doe,
Crocker Anglo National Bank, sued herein as Ninth Doe, The
Recorder Printing and Publishing Company, sued herein as Thirteenth
Doe, and Bernhard A. Hansen, sued herein as Fourteenth Doe, by
and through their respective counsel that:

33 1. The envelopes now held by defendant Crocker Anglo
34 National Bank, 1 Montgomery Street, San Francisco, for the
35 account of defendant, Committee for the Preservation of the

1 Democratic Party in California, shall be delivered at any
2 convenient time on or after the date of this stipulation to
3 Gerald J. O'Gara, attorney for plaintiffs, upon his giving a
4 written receipt for such envelopes.

5 2. Any money or checks contained in said envelopes shall
6 be deposited to a new account to be opened at any bank having an
7 office in the City and County of San Francisco.

8 3. Said new account shall be opened in the name of Roger
9 Kent and Gerald J. O'Gara, trustees for the Democratic State
10 Central Committee, et al. Said Kent and O'Gara as such
11 trustees are hereby specifically authorized to endorse for and
12 in behalf of the Committee for the Preservation of the Democratic
13 Party all checks contained in such envelopes and payable to the
14 Committee for the Preservation of the Democratic Party and
15 deposit in said bank account such checks and any cash contained
16 in envelopes addressed to the Committee for the Preservation
17 of the Democratic Party and/or addressed to Crocker Anglo
18 National Bank for such committee. Funds from said new account
19 shall be withdrawn only (a) by checks signed by said Kent and
20 O'Gara as such trustees; and (b) upon approval by Hon. Byron
21 Arnold, Judge of the above Court.

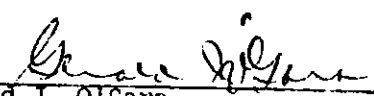
22 4. Pending such withdrawal, all such funds shall be held
23 by the bank in which such funds are deposited in accordance
24 with the terms of the preliminary injunction made and filed by
25 this Court herein on November 2, 1962.


26 5. Any party shall upon written request made within ten
27 days of the date of this stipulation be entitled to copy the
28 names and addresses appearing on such envelopes, and any letters,
29 cards, checks or other writings therein.

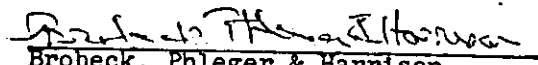
30 6. After the checks and money have been so deposited in
31
32


1 said bank account, such envelopes and any writings (other than
2 said checks or money) shall be delivered for safekeeping to the
3 Clerk of this Court and he shall give his receipt therefor to
4 Gerald J. O'Gara, attorney for plaintiffs.

5 Dated: June 12, 1963.

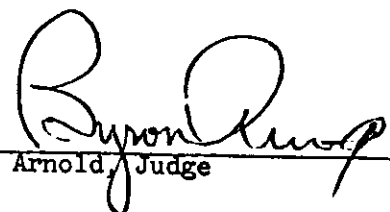
6
7 
8 Gerald J. O'Gara
9 O'Gara and O'Gara
10 Attorneys for Plaintiffs

11 
12 Ralph Golub
13 Attorney for defendants Committee
14 for Preservation of Democratic
15 Party in California, Joseph E.
16 Robinson, Robinson & Co., Inc.,
17 William Marlin, individually and
18 as Executive Secretary of the
19 Committee for the Preservation of
20 the Democratic Party in California,
21 Harry J. Boyle, Ed Fitzharris
22 and Austin Healy

23 
24 Brobeck, Phleger & Harrison
25 Attorneys for defendants Recorder
26 Printing and Publishing Company,
27 Bernhard A. Hansen, sued herein as
28 Fourteenth Doe

29 
30 Almon B. McCallum
31 Attorney for Defendant Crocker
32 Anglo National Bank

24 Approved June 13th, 1963.

25 
26 Byron Arnold, Judge

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

20 Plaintiffs,

No. 526150

21 -vs-

22 COMMITTEE FOR THE PRESERVATION OF
23 THE DEMOCRATIC PARTY IN CALIFORNIA,
24 an unincorporated association,
25 et al.,

NOTICE OF TAKING
DEPOSITIONS

26 Defendants.

27 TO: RALPH GOLUB, ESQ., Attorney for Defendants COMMITTEE FOR
28 THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA,
29 an unincorporated association, JOSEPH ROBINSON, HARRY J.
30 BOYLE, ED FITZHARRIS, AUSTIN HEALY, ROBINSON & CO., INC.,
31 a corporation, and WILLIAM MARLIN, individually and in
32 his capacity as Executive Secretary for DEFENDANT
COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN
CALIFORNIA; HOWARD J. FINN, ESQ., and BROBECK, PHLEGER AND
HARRISON, Attorneys for Defendants RECORDER PRINTING AND
PUBLISHING COMPANY and BERNHARD A. HANSEN and ALMON B.
McCALLUM, Esq., Attorney for Defendant CROCKER ANGLO
NATIONAL BANK:

YOU AND EACH OF YOU will please take notice that
commencing at 10:00 o'clock A. M., on Thursday, September 5, 1963,
at Room 475, Subway Terminal Building, 417 South Hill Street, Los
Angeles, California, plaintiffs will take the depositions of
Messrs. John Robert White (individually and as Treasurer of
the Nixon for Governor Finance Committee) of Los Angeles,
California, Raymond Dubrowski, of Los Angeles, California,

FILED

JUL 29 1963

MARTIN MORGAN, Clerk

By H. J. [Signature]
Deputy Clerk

1 (individually and as a member of the Nixon for Governor Finance
2 Committee, and assistant to John Robert White) and H. Robert
3 Haldeman (individually and as Campaign Chairman of the Nixon
4 Campaign
5 for Governor/Committee) of Los Angeles, California, upon oral
6 examination before any qualified notary public in and for the
7 City and County of Los Angeles. Said depositions will be taken
8 according to the following schedule on Thursday, September 5,
9 1963:

10 10:00 A.M. Deposition of John Robert White

11 10:30 A.M. Deposition of Raymond Dubrowski

12 11:00 A.M. Deposition of H. Robert Haldeman.

13 Said depositions will continue from day to day until completed.

14 Dated: July 25, 1963

Gerald J. O'Gara
Gerald J. O'Gara
GERALD J. O'GARA
O'GARA and O'GARA

STATE OF CALIFORNIA
CITY AND
COUNTY OF SAN FRANCISCO

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within above entitled action; my ^{business} address is:

1200 Mills Tower, San Francisco 4, California

On July 26, 1963, I served the within Notice of Taking

Deposition

on the defendants in said action, by placing a true copy thereof enclosed in a sealed envelope

with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California addressed as follows:

Ralph Golub, Esq., 625 Market Street, San Francisco, California

Almon B. McCallum, Esq., 1 Montgomery Street, San Francisco, California

Lane G. Brennan, Esq., Brobeck, Phleger & Harrison, 111 Sutter St., San Francisco, California

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

On July 26, 1963

Frances M. Finigan
(Signature)

Proof of service by mail forms, being signed under penalty of perjury, do not require notarization.

Superior Court of the State of California,
FOR THE CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT _____

FILED

JAN 11 1963

MARTIN J. HANAN, Clerk

By Thomas
Deputy Clerk

Democratic State Central

Committee et al

Plaintiff.

vs.

Committee for the preservation

of Democratic Party in California et al
Defendant.

~~IN OPEN COURT~~

19

No. 526150

Certificate of Service
by mail by attorney

1 CERTIFICATE OF SERVICE BY MAIL BY ATTORNEY

2
3 RALPH GOLUB certifies that he is an active member of
4 the State Bar of California, and not a party to the within
5 action. That his business address is 625 Market Street, San
6 Francisco 5, California. That he served a copy of the attached
7 ORDER FOR MODIFICATION OF PRELIMINARY INJUNCTION by placing said
8 copy in an envelope addressed to:

9 O'GARA AND O'GARA
10 Suite 1200 Mills Tower
San Francisco 4, California

11 GERALD D. MARCUS, Esq.
12 593 Market Street
San Francisco, California

13 WEBSTER V. CLARK
14 111 Sutter Street
San Francisco, California

15 HOWARD J. FINN, Esq.
16 and
BROBECK, PHLEGER & HARRISON
17 111 Sutter Street
San Francisco, California

18 which envelope was then sealed and postage fully prepaid thereon,
19 and thereafter was on January 4, 1963, deposited in the United
20 States mail at San Francisco, California.

21
22 
23
24 RALPH GOLUB

GERALD J. O'GARA
O'GARA and O'GARA
1200 Mills Tower
San Francisco 4
EXbrook 2-2677
Attorneys for Plaintiffs

GERALD D. MARCUS
593 Market Street
San Francisco
Sutter 1-5500

WEBSTER V. CLARK
111 Sutter Street
San Francisco
EXbrook 2-1869
Of Counsel for Plaintiffs

FILED

JUN 7 - 1963

MARTIN MONGAN, Clerk
By *[Signature]*
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,

Plaintiffs,

No. 526150

-vs-

COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

NOTICE OF TAKING
DEPOSITION.

Defendants.

TO: RALPH GOLUB, Attorney for Defendants COMMITTEE FOR THE
PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA, an
unincorporated association, JOSEPH ROBINSON, HARRY J. BOYLE,
ED FITZHARRIS, AUSTIN HEALY, ROBINSON & CO., INC., a
corporation, and WILLIAM MARLIN, individually and in his
capacity as Executive Secretary for defendant COMMITTEE
FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA;
HOWARD J. FINN, Esq. and BROBECK, PHLEGER & HARRISON,
Attorneys for defendant RECORDER PRINTING AND PUBLISHING
COMPANY; and ALMON B. McCALLUM, Esq., Attorney for
Defendant CROCKER-ANGLO NATIONAL BANK:

YOU AND EACH OF YOU will please take notice that at 9:30
o'clock A. M., on Tuesday, June 18, 1963, at Room 475, Subway
Terminal Building, 417 Southill Street, Los Angeles, California,
plaintiff will take the deposition of John Robert White
(individually and as treasurer of the Nixon for Governor Finance
Committee) of Los Angeles, California, upon oral examination
before any qualified notary public in and for the City and County
of Los Angeles, said deposition to continue from day to day
until completed.

Dated: June 3, 1963

[Signature]
Gerald J. O'Gara
O'Gara and O'Gara

STATE OF CALIFORNIA
CITY and COUNTY OF San Francisco

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not
a party to the within above entitled action; my residence address is:

1200 Mills Tower, San Francisco 4, California

On June 3, 1963, I served the within Notice of Taking

Deposition

on the defendants in said action, by placing a true copy thereof enclosed in a sealed envelope

with postage thereon fully prepaid, in the United States post office mail box at San Francisco
addressed as follows:

Ralph Golub, Esq., 625 Market Street, San Francisco, California

Almon B. McCallum, Esq., 1 Montgomery Street, San Francisco, Calif.

Lane G. Brennan, Esq., Brobeck, Phleger & Harrison, 111 Sutter St.,
San Francisco, Calif.

I certify (or declare), under penalty of perjury, that the
foregoing is true and correct.

Date June 3, 1963

James H. Poynter
(Signature)

Proof of service by mail forms, being signed under penalty of perjury, do not require notarization.

1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4 Telephone: Douglas 2-5077

5 Attorney for Defendants

ENDORSED
FILED

JAN 4 - 1963

MARTIN MONGAN, CLERK

By F. O. THOMAS
Deputy Clerk

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

No. 526150

12 vs.

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

15 Defendants.

16
17 ORDER FOR MODIFICATION OF PRELIMINARY INJUNCTION

18 This matter came on for hearing this 4th day of
19 January, 1963, before The Honorable BYRON ARNOLD, Judge of the
20 Superior Court in Department Five thereof; RALPH GOLUB, Esq.
21 appeared as attorney for defendants COMMITTEE FOR THE PRESERVATION
22 OF THE DEMOCRATIC PARTY IN CALIFORNIA, JOSEPH ROBINSON, HARRY J.
23 BOYLE, ED FITZBARRIS, AUSTIN HEALY, ROBINSON & CO., INC., a
24 corporation, and WILLIAM MARLIN; SAUL PERLIS, Esq. appeared as
25 attorney for defendant, CHOCKER-ANGLO NATIONAL BANK; BROBECK,
26 PHLEGER & HARRISON appeared as attorneys for defendant, RECORDER
27 PRINTING AND PUBLISHING COMPANY; and GERALD J. O'GARA, Esq.
28 appeared as attorney for plaintiffs.

29 Defendants represented by RALPH GOLUB, Esq. moved to
30 modify the Preliminary Injunction made and entered in this
31 action on the 2nd day of November, 1962. The court having heard
32 arguments on said motion and having considered the affidavits in

RALPH GOLUB
ATTORNEY AT LAW
625 MARKET STREET
SAN FRANCISCO 5
DOUGLAS 2-5077

1 support thereof, and it appearing to the satisfaction of the
2 court that said motion should be granted;

3 Now, therefore, good cause appearing, IT IS ORDERED:

4 That the Preliminary Injunction heretofore made and
5 entered in this action on November 2, 1962 be, and the same is,
6 hereby modified to provide that all money now on deposit in a
7 regular checking account with CROCKER-ANGLO NATIONAL BANK at 205
8 One Montgomery Street office, San Francisco, California, being
9 the sum of \$8,967.65, in the name of "COMMITTEE FOR THE PRESERVA-
10 TION OF THE DEMOCRATIC PARTY IN CALIFORNIA" shall be withdrawn
11 from deposit forthwith by the duly authorized representative or
12 representatives of said Committee, and thereupon all of such
13 money shall be paid over to defendant, ROBINSON & CO., INC., a
14 corporation.

15 DONE in open court this 4th day of January, 1963.

16
17 BYRON ARNOLD

18 Judge of the Superior Court.
19
20
21
22
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29
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31
32

1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4 Telephone: DOuglas 2-5077

5 Attorney for Defendants

FILED

JAN 4 1963

MARTIN J. NGAN, Clerk
E. Thomas
Deputy Clerk

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

No. 526150

12 vs.

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

15 Defendants.

16
17 ORDER FOR MODIFICATION OF PRELIMINARY INJUNCTION

18 This matter came on for hearing this 4th day of
19 January, 1963, before The Honorable BYRON ARNOLD, Judge of the
20 Superior Court in Department Five thereof; RALPH GOLUB, Esq.
21 appeared as attorney for defendants COMMITTEE FOR THE PRESERVATION
22 OF THE DEMOCRATIC PARTY IN CALIFORNIA, JOSEPH ROBINSON, HARRY J.
23 BOYLE, ED FITZHARRIS, AUSTIN HEALY, ROBINSON & CO., INC., a
24 corporation, and WILLIAM MARLIN; SAUL PERLIS, Esq. appeared as
25 attorney for defendant, CROCKER-ANGLO NATIONAL BANK; BROBECK,
26 PHLEGER & HARRISON appeared as attorneys for defendant, RECORDER
27 PRINTING AND PUBLISHING COMPANY; and GERALD J. O'GARA, Esq.
28 appeared as attorney for plaintiffs.

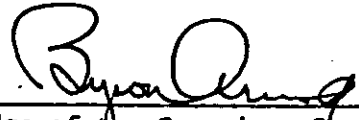
29 Defendants represented by RALPH GOLUB, Esq. moved to
30 modify the Preliminary Injunction made and entered in this
31 action on the 2nd day of November, 1962. The court having heard
32 arguments on said motion and having considered the affidavits in

1 support thereof, and it appearing to the satisfaction of the
2 court that said motion should be granted;

3 Now, therefore, good cause appearing, IT IS ORDERED:

4 That the Preliminary Injunction heretofore made and
5 entered in this action on November 2, 1962 be, and the same is,
6 hereby modified to provide that all money now on deposit in a
7 regular checking account with CROCKER-ANGLO NATIONAL BANK at its
8 One Montgomery Street office, San Francisco, California, being
9 the sum of \$8,967.65, in the name of "COMMITTEE FOR THE PRESERVA-
10 TION OF THE DEMOCRATIC PARTY IN CALIFORNIA" shall be withdrawn
11 from deposit forthwith by the duly authorized representative or
12 representatives of said Committee, and thereupon all of such
13 money shall be paid over to defendant, ROBINSON & CO., INC., a
14 corporation.

15 DONE in open court this 4th day of January, 1963.

16
17 
18 _____
19 Judge of the Superior Court.
20
21
22
23
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26
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32

1 BROBECK, PHLEGER & HARRISON,
2 111 Sutter Street,
3 San Francisco 4, California
4 Telephone: SUTTER 1-0666.
5 Attorneys for Defendant,
6 Recorder Printing and Publish-
7 ing Company, sued herein as
8 Thirteenth Doe.

FILED

JAN 2 - 1963

MARTIN MUNGAN, Clerk

BY M. F. 521
Deputy Clerk

1545

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
10 CITY AND COUNTY OF SAN FRANCISCO

11 DEMOCRATIC STATE CENTRAL COMMITTEE,
12 ROGER KENT, individually and as a member
13 and officer of the Democratic Party and
14 Democratic State Central Committee and
15 ELIZABETH RUDEL GATOV, individually and
16 as Democratic National Committeewoman,
17
18 Plaintiffs,

No. 526150

19 vs.

20 COMMITTEE FOR THE PRESERVATION OF THE
21 DEMOCRATIC PARTY IN CALIFORNIA, an unin-
22 corporated association, JOSEPH ROBINSON,
23 WILLIAM MARLIN, HARRY J. BOYLE, First Doe
24 through Twentieth Doe, individuals,
25 associations and corporations,
26 Defendants.

NOTICE OF MOTION
TO DISMISS ACTION

27 TO: GERLAD J. O'GARA, Esq., GERALD D. MARCUS, Esq. and
28 WEBSTER V. CLARK, Esq., attorneys for Plaintiffs;
29 ALMON B. McCALLUM, Esq., attorney for defendant Crocker-
30 Anglo National Bank; RALPH GOLUB, Esq., attorney for
31 defendants Committee for the Preservation of the
32 Democratic Party in California, Joseph Robinson, Harry J.
33 Boyle, Ed Fitzharris, Austin Healy, Robinson & Co., Inc.,
34 a corporation, and William Marlin.

35 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that on Friday,
36 the 4th day of January, 1963, at 10:30 A.M. of said day, or as
37 soon thereafter as counsel can be heard, in the Courtroom of the
38 Honorable Byron Arnold, Department 5, Room 465, City Hall,

1 San Francisco, California, the defendant RECORDER PRINTING AND
2 PUBLISHING COMPANY will join in the motion filed on behalf of
3 defendants COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC
4 PARTY IN CALIFORNIA, JOSEPH ROBINSON, HARRY J. BOYLE, ED FITZ-
5 HARRIS, AUSTIN HEALY, ROBINSON & CO., INC. and WILLIAM MARLIN
6 on December 14, 1962 by Ralph Golub, their attorney, to dismiss
7 the above-entitled action. Defendant RECORDER PRINTING AND
8 PUBLISHING COMPANY concurs with the Memorandum of Points and
9 Authorities filed by Ralph Golub in connection with said motion
10 to dismiss.

11 This motion will be made and based upon this notice of
12 motion, upon all pleadings, papers and documents filed with the
13 Clerk of the above-entitled Court, and upon all of the records
14 of the proceedings heretofore taken in this action.

15 Dated: January 2, 1963.

16
17 BROBECK, PHLEGER & HARRISON

18 *Robert P. Phleger & Harrison*

19 Attorneys for Defendant
20 RECORDER PRINTING & PUBLISHING CO.

21
22
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30

1 RALPH GOLUB
625 Market Street
2 San Francisco 5, California
Telephone: DOuglas 2-5077

3 Attorney for Defendants
4

FILED

DEC 14 1962

MARTIN MORGAN, Clerk

By 11/15/62 Deputy Clerk

5
6
7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,

10 Plaintiffs,

No. 526150

11 vs.

12 COMMITTEE FOR THE PRESERVATION OF
13 THE DEMOCRATIC PARTY IN CALIFORNIA,
14 an unincorporated association, et al.,

15 Defendants.

16
17 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
18 MOTION TO DISMISS ACTION AND TO DISSOLVE OR
MODIFY PRELIMINARY INJUNCTION

19 I.

20 THE COMPLAINT FAILS TO STATE A CAUSE OF ACTION.
21 AND THEREFORE SHOULD BE DISMISSED.

22 A. A complaint in an action for defamation is insuf-
23 ficient where the publication complained of does not defame an
24 ascertainable person, and there is no such person ascertainable
25 in plaintiffs' complaint.

26 Noral v. Hearst Publications, Inc., 40 C.A.2d 348.

27 Harris v. Curtis Publishing Co., 49 C.A.2d 340.

28 B. Elections Code Sections 11592 and 12047 are void
29 on their face; and any alleged violation of Elections Code
30 Section 12301 as one of the grounds for the issuance of an
31 injunction is an unconstitutional application of said section by
32 the court.

1 People v. Bongiorno, 205 A.C.A. Supp. 466.
2 Talley v. State of California, 362 U.S. 60.
3 C. Plaintiffs' complaint does not and cannot state a
4 cause of action for any injunctive relief as such relief would
5 violate the defendants' right of free speech under the Fourteenth
6 Amendment to the Constitution of the United States and under
7 Article I, Section 9, of the Constitution of the State of
8 California.

9 Points and Authorities in Opposition to Motion for
10 Preliminary Injunction filed in this action by
these demurring defendants on October 29, 1962.

11 D. This court lacks jurisdiction to grant plaintiffs
12 any injunctive relief based on alleged violations of Elections
13 Code sections.

14 Points and Authorities in Opposition to Motion for
15 Preliminary Injunction, supra.

16 II.

17 THE ALLEGED CAUSE OF ACTION IN PLAINTIFFS'
18 COMPLAINT IS MOOT, AND THEREFORE SHOULD BE
19 DISMISSED

20 Plaintiffs' alleged cause of action since its commence-
21 ment has become moot, and therefore should be dismissed.

22 Paoli v. Cal & Hawaiian Sugar etc. Corp.,
23 140 C.A.2d 854.

24 Campbell v. Superior Court, 126 C.A. 652.

25 III.

26 THE PRELIMINARY INJUNCTION HERETOFORE ISSUED BY
27 THIS COURT IS VOID, AND THEREFORE SHOULD BE
28 DISSOLVED OR VACATED

29 A. Elections Code Sections 11592 and 12047 are void
30 on their face; any alleged violation of Elections Code Section
31 12301 as one of the grounds for the issuance of said preliminary
32 injunction is an unconstitutional application of said section.

1 People v. Bongiorno, supra.

2 Talley v. State of California, supra.

3 B. The issuance and existence of said preliminary
4 injunction violates the defendants' right of free speech under
5 the Fourteenth Amendment to the Constitution of the United
6 States, under Article I, Section 9, of the Constitution of the
7 State of California, and this court lacks jurisdiction to enjoin
8 the commission of misdemeanor under the provisions of the
9 Elections Code of the State of California.

10 Points and Authorities in Opposition to Motion
11 for Preliminary Injunction, supra, heretofore
12 filed by these moving defendants.

13 IV.

14 THE PRELIMINARY INJUNCTION HERETOFORE ISSUED BY
15 THIS COURT IS MOOT, AND THEREFORE SHOULD BE
16 DISSOLVED OR VACATED

17 A. This court, in granting the preliminary injunction,
18 has the inherent power to vacate or modify.

19 Sontag General Stores Co. v. Superior Court
20 18 Cal.2d 92.

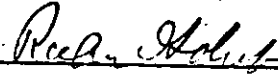
21 B. Plaintiffs' alleged cause of action since its
22 commencement has become moot, and therefore the preliminary in-
23 junction heretofore issued by this court should be dissolved.

24 Campbell v. Superior Court, supra.

25 Paoli v. Cal. & Hawaiian Sugar etc. Corp., supra.

26 DATED: December 13, 1962.

27 Respectfully submitted,

28 
29 _____
30 RALPH GOLUB
31 Attorney for said Moving
32 Defendants

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FILED

DEC 14 1962

MARTIN MORGAN, Clerk

[Signature]
Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
THE CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
ROGER KENT, individually and as a
member and officer of the Democratic
Party and Democratic State Central
Committee and ELIZABETH RUDEL GATOV,
individually and as Democratic
National Committeewoman,

Plaintiffs,

No. 526150

vs.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA, an
unincorporated association, JOSEPH
ROBINSON, WILLIAM MARLIN, HARRY J.
BOYLE, First Doe through Twentieth Doe,
individuals, associations and corporations,

Defendants.

DECLARATION OF THOMAS L. GILLAM

I, the undersigned, THOMAS L. GILLAM, hereby declare:

1. That I am an officer, to wit, Assistant Cashier, of
Crocker-Anglo National Bank, a national banking association.

2. That on October 16, 1962 a regular checking account
was opened with Crocker-Anglo National Bank at its 1 Montgomery
Street Office, San Francisco, California, in the name of
"Committee for the Preservation of the Democratic Party in
California".

3. That at the time of opening said account there was
deposited therein as the initial deposit the sum of \$10,000.00;
which deposit was represented by a check numbered 404, dated

1 October 15, 1962, payable to the order of "Committee for the
2 Preservation of the Democratic Party in California" in the sum
3 of \$10,000.00, and drawn by Robinson & Company, Inc, per Exhibit A

4 4. That there have been no further or other deposits,
5 other than said initial deposit, to the said account.

6 5. That the balance presently on deposit in said account
7 is \$8,967.65.

8 6. That there are no other checking accounts in the name
9 of "Committee for the Preservation of the Democratic Party in
10 California" at the 1 Montgomery Street Office of Crocker-Anglo
11 National Bank, and declarant knows of no such accounts at any
12 other Office of Crocker-Anglo National Bank.

13 7. That the foregoing declaration is true of my own knowl-
14 edge and I declare under penalty of perjury that the same is true
15 and correct.

16 Executed in San Francisco, California, on December 12, 1962.

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ROBINSON & COMPANY, INC.

830 MARKET STREET
SAN FRANCISCO, CALIFORNIA

NO.

404

BANK

HA

10-15

62

PAY TO THE
ORDER OF

Committee for the Preservation of the Democratic Party in

10,000.00

California (L.A. & L.A. ANGLO)

THOUSAND AND NO/100 DOLLARS

DOLLARS

MONTGOMERY STREET OFFICE (11)
SAN FRANCISCO, CALIFORNIA

CROCKER-ANGLO NATIONAL BANK

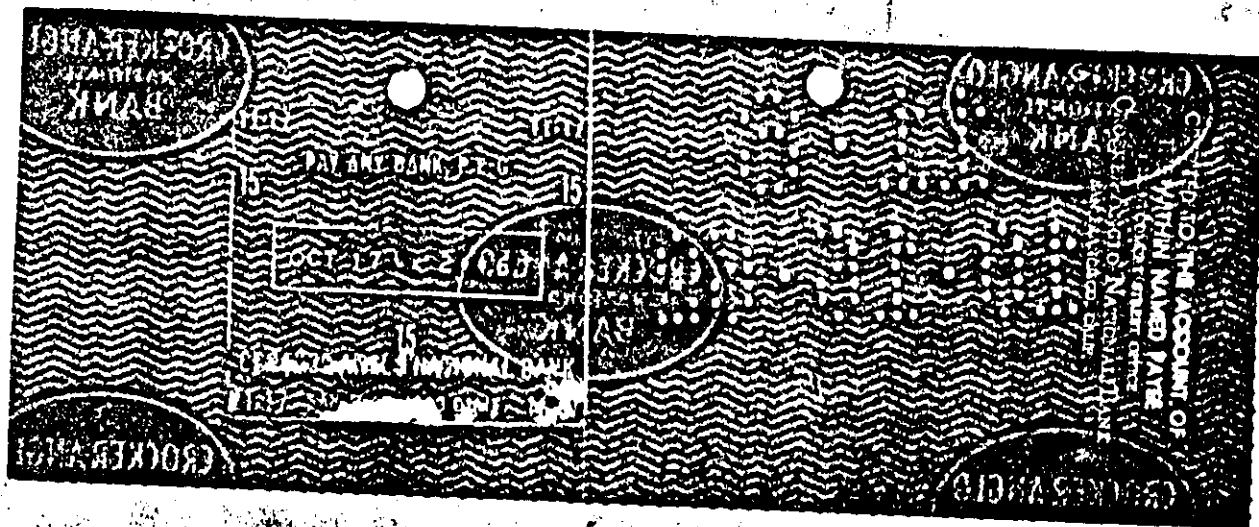
ROBINSON & COMPANY, INC.

108

CROCKER-ANGLO

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1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4 Telephone: DOuglas 2-5077

5 Attorney for Defendants

FILED
DEC 14 1962
MARTIN MONGAN, Clerk
Deputy Clerk

6 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
7 CITY AND COUNTY OF SAN FRANCISCO

8 DEMOCRATIC STATE CENTRAL COMMITTEE,
9 et al.,

10 Plaintiffs,

11 vs.

12 COMMITTEE FOR THE PRESERVATION OF
13 THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

14 Defendants.

No. 526150

DECLARATION OF M. D.
KELLY IN SUPPORT OF
MOTION TO DISMISS
ACTION, AND TO DISSOLVE
OR MODIFY PRELIMINARY
INJUNCTION

15 STATE OF CALIFORNIA

16 CITY AND COUNTY OF SAN FRANCISCO

17 } SS:

18 I, the undersigned M. D. KELLY, hereby declare:

19 That I am the Vice-President of ROBINSON & CO., INC., a
20 corporation organized and existing under and by virtue of the
21 laws of the State of California and in whose behalf I make this
22 declaration;

23 That said corporation, in the usual and regular course
24 and scope of its business, received a letter from the United
25 States Post Office, dated November 16, 1962, written by John F.
26 Fixa, Postmaster, by G. L. Mannion, General Superintendent of
27 Mails, a copy of which letter is attached hereto, made a part
28 hereof, and marked Exhibit "A".

29 I hereby certify under penalty of perjury that the
30 foregoing is true and correct.

31 DATED: December 12, 1962.

32 
M. D. KELLY

General Superintendent
of Mails Office

UNITED STATES POST OFFICE
San Francisco 19, California

November 10, 1964

Mr. Robert Robinson
Robinson Company
334 Market Street, Room 511
San Francisco 7, California

Dear Mr. Robinson:

As per your request, there is tabulated below the debit and credit
of the postage due account for the Committee for the Preservation of the
Democratic Party.

Date	Debit	Credit
Oct. 16		100.00
17	4.48	
18	3.28	
19	10.50	
22	24.87	
23	26.04	
24	27.80	
25	29.70	
26	34.54	
28	106.32	
30	24.29	
31	21.45	100.00
Nov. 1	12.84	
2	19.17	
5	10.88	
6	3.06	
7	2.45	
8	3.08	
13	1.06	

There is at present a balance of \$45.40 in the account, and we have
44 cards, or \$2.64, to be deducted.

Very truly yours,
John F. Fina
Postmaster

G. L. Mannion
General Superintendent of Mails

EXHIBIT "A"

1 RALPH GOLUB
2 625 Market Street
3 San Francisco 5, California
4
5 Attorney for Defendants
6

FILED

DEC 14 1962

MARTIN MORGAN, Clerk

[Signature]
Deputy Clerk

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 CITY AND COUNTY OF SAN FRANCISCO

9 DEMOCRATIC STATE CENTRAL COMMITTEE,
10 et al.,

11 Plaintiffs,

No. 526150

12 vs.

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association, et al.,

15 Defendants.

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18 CERTIFICATE OF MAILING BY MAIL BY ATTORNEY
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CERTIFICATE OF SERVICE BY MAIL BY ATTORNEY

RALPH GOLUB certifies that he is an active member of the State Bar of California, and not a party to the within action. That his business address is 625 Market Street, San Francisco 5, California. That he served a copy of the attached -

NOTICE OF MOTION TO DISMISS ACTION, AND TO DISSOLVE OR MODIFY PRELIMINARY INJUNCTION;

DECLARATION OF M. D. KELLY IN SUPPORT OF MOTION TO DISMISS ACTION, AND TO DISSOLVE OR MODIFY PRELIMINARY INJUNCTION;

DECLARATION OF THOMAS L. GILLAM;

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS ACTION AND TO DISSOLVE OR MODIFY PRELIMINARY INJUNCTION;

DEMURRER TO COMPLAINT; and

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER

by placing said copies in an envelope addressed to:

O'GARA AND O'GARA
Suite 1200 Mills Tower
San Francisco 4, California

GERALD D. MARCUS, Esq.
593 Market Street
San Francisco, California

WEBSTER V. CLARK
111 Sutter Street
San Francisco, California

HOWARD J. FINN, Esq.
and
BROBECK, PHLEGER & HARRISON
111 Sutter Street
San Francisco, California

ALMON B. McCALLUM, Esq.
One Montgomery Street
San Francisco, California

which envelope was then sealed and postage fully prepaid thereon, and thereafter was on December 13, 1962, deposited in the United States mail at San Francisco, California.

Ralph Golub
RALPH GOLUB

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4, California
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 San Francisco, California
10 Sutter 1-5500

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco, California
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

FILED

NOV 2 - 1962

MARTIN MONGAN, Clerk

[Signature]
Deputy Clerk

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

No. 526150

-vs-

20 COMMITTEE FOR THE PRESERVATION OF
21 THE DEMOCRATIC PARTY IN CALIFORNIA,
22 an unincorporated association, et al.,

ORDER FOR PRELIMINARY
INJUNCTION AND TEMPORARY
RESTRAINING ORDER AND
FOR CONTINUANCE OF ORDER
TO SHOW CAUSE

Defendants.

23 This matter came on for hearing this 30th day of October,
24 1962 before the Honorable Byron Arnold, Judge of the Superior
25 Court in Department 5 thereof, Gerald J. O'Gara, Esq. and
26 James A. O'Gara, Esq. and O'Gara and O'Gara and Gerald D. Marcus,
27 Esq., and Webster V. Clark, Esq., appeared as attorneys for
28 plaintiffs. Ralph Golub, Esq. and Austin Clapp, Esq. appeared
29 as attorneys for defendants Committee for the Preservation of the
30 Democratic Party in California, an unincorporated association,
31 Joseph Robinson, Harry J. Boyle, Ed Fitzharris served herein as
32 First Doe, Austin Healy served herein as Third Doe, Robinson & Co.
Inc., a corporation, served herein as Fourth Doe, William Marlin,
individually and served herein as Eighth Doe in his capacity as
Executive Secretary of defendant Committee for the Preservation
of the Democratic Party in California. Almon B. McCallum, Esq.

1 appeared as attorney for Crocker-Anglo National Bank served herein
2 as Ninth Doe. Howard J. Finn, Esq. and Brobeck, Phleger and
3 Harrison appeared as attorneys for Recorder Printing and Publish-
4 ing Company served herein as Thirteenth Doe, and for Bernhard A.
5 Hansen sued herein as Fourteenth Doe.

6 Defendants represented by Ralph Golub, Esq. and Austin Clapp,
7 Esq. moved to dissolve the temporary injunction.

8 The Court having heard arguments on said motion and on the
9 order requiring defendants to show cause why a preliminary
10 injunction should not issue, and it appearing to the satisfaction
11 of the Court that the use of the postcard attached hereto marked
12 Exhibit "A" violates Elections Code Sections 11592, 12047 and
13 12301,

14 NOW, THEREFORE, GOOD CAUSE APPEARING, IT IS ORDERED:

15 1. During the pendency of this action or until the Court
16 shall otherwise order, defendants Committee for the Preservation
17 of the Democratic Party in California, an unincorporated
18 association, Joseph Robinson, Harry J. Boyle, Ed Fitzharris,
19 served herein as First Doe, Austin Healy, served herein as
20 Third Doe, Robinson & Co., Inc., a corporation, served herein
21 as Fourth Doe, William Marlin, individually and served herein as
22 Eighth Doe in his capacity as Executive Secretary of said
23 defendant Committee for the Preservation of the Democratic Party
24 in California, Crocker-Anglo National Bank of San Francisco,
25 served herein as Ninth Doe, Recorder Printing and Publishing
26 Company, a corporation, served herein as Thirteenth Doe, Bernhard
27 A. Hansen, served herein as Fourteenth Doe, and each of them, and
28 their agents, servants, employees and representatives, and all
29 persons acting in concert or participating with them, shall be
30 and hereby are enjoined and restrained from engaging in or
31 performing directly or indirectly, any of the following acts:

32 (a) Publishing, posting, mailing, circulating or

1 distributing any postcard, pamphlet, folder, letter or writing
2 in the form of Exhibit A attached hereto or in any form
3 substantially similar to said Exhibit A.

4 (b) Publishing, posting, mailing, circulating,
5 revealing or distributing any results from any poll which they
6 conducted or are conducting by means of Exhibit A.

7 (c) Soliciting, collecting or accepting money from
8 Democratic voters by using directly or indirectly any postcard,
9 pamphlet, folder, letter or writing in the form of Exhibit A
10 or in any form substantially similar to Exhibit A.

11 (d) Using, appropriating, spending or disbursing any
12 money received in response to or in connection with said post-
13 card. Defendant Crocker-Anglo National Bank is hereby further
14 particularly restrained from paying out, disbursing or deliver-
15 ing any money or property in its possession or under its
16 control which it now holds in the bank account ^{OR ON DEPOSIT} belonging to
17 defendants Committee for the Preservation of the Democratic Party
18 in California or which may be deposited to that bank account.

19 (e) Using in any manner or through any medium said
20 Exhibit A or the contents thereof or any matters or things
21 growing out of or resulting from the publishing, posting,
22 mailing, circulating or distributing of said Exhibit A or
23 performing any acts in furtherance of or in connection with the
24 scheme or plan set forth in said Exhibit A.

25 (f) Using in any manner or through any medium said
26 postcard or the contents thereof or said scheme or plan or poll.

27 2. Defendants Committee for the Preservation of the
28 Democratic Party in California, an unincorporated association,
29 Joseph Robinson, Harry J. Boyle, Ed Fitzharris, Austin Healy,
30 Robinson and Co., Inc., a corporation and William Marlin,
31 individually and as executive secretary for defendants Committee
32 for the Preservation of the Democratic Party in California, shall

1 immediately use all reasonable efforts to remove from all United
2 States Postoffices in California all postcards in the form of
3 or substantially in the form of Exhibit A attached hereto and to
4 the complaint herein and said defendants so named in this
5 paragraph 2 are hereby directed and ordered by this Court to do
6 so by this preliminary mandatory injunction.

7 3. The preliminary injunction as hereinabove set forth
8 shall issue upon plaintiffs' filing an undertaking in the sum of
9 \$10,000 in due form as required by law. Until filing of said
10 undertaking on November 2, 1962, the temporary restraining order
11 made on October 26, 1962 shall remain in full force and effect.


12 4. The temporary restraining order heretofore issued by
13 this Court on October 22, 1962 as modified by the order of this
14 Court dated October 26, 1962 is hereby continued in effect to
15 and including November 9, 1962. The time for serving a copy of
16 the complaint and supporting declarations and points and
17 authorities together with a copy of the order to show cause and
18 temporary restraining order issued by this Court on October 22,
19 1962 and a copy of the order of this Court continuing hearing
20 on order to show cause and temporary restraining order dated
21 October 26, 1962 with supporting declarations, together with a
22 copy of this order is hereby further shortened so that the same
23 may be served on defendants not hereby enjoined not later than
24 November 6, 1962 by 12 o'clock midnight of said date. The
25 hearing on the order to show cause as to said defendants who
26 may be so served on or before November 6, 1962 is hereby
27 continued and set for November 9, 1962 at 10:30 o'clock a.m.

28 5. The undertaking of corporate surety, Peerless Insurance
29 Company, a corporation, in the sum of \$10,000 in due form as
30 required by law heretofore filed by plaintiffs shall remain
31 in full force and effect as to all temporary restraining orders
32 now and heretofore issued by this Court, all in accordance with

1 the terms of said bond.

2 6. The motion of the defendants above named as represented
3 by Attorneys Golub and Clapp to dissolve the temporary restrain-
4 ing order heretofore issued and discharge the order to show
5 cause why a preliminary injunction should not issue, is hereby
6 denied.

7 Done in Open Court November 2, 1962.

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11 Judge of the Superior Court
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Dear Fellow Democrat:

Ⓒ This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or weakly, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would veto any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

Ⓒ The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party?

Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own?

Ⓒ We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. Ⓒ Whatever we do, in the name of the Democratic Party—

Let's Not Deliver California to the CDC!

Committee for the Preservation of the Democratic Party in California
National Oil Bldg., 609 S. Grand, Los Angeles - Central Consular Bldg., 607 Market, San Francisco



TEAR OFF HERE - DO NOT MAIL AFTER OCTOBER 23, 1962



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Q: Are you aware of
A: Many Democrats
Democratic Party by the
are frankly revolted
have included:

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arty in California
7 Market, San Francisco

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THE OFFICE OF
"DARK AND DARK"
THE 1968 MILLS TOWER
SAN FRANCISCO 4
STANDARD 5-5577

PLEASE DO NOT WRITE AFTER SEP 21 1967

Postage
Will Be Paid
by
Addressee

No
Postage Stamp
Necessary
If Mailed in the
United States

BUSINESS REPLY MAIL
First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA
Central Consular Building,
607 Market Street,
San Francisco 5, California

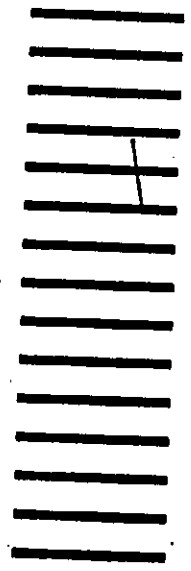


EXHIBIT A

LAW OFFICES OF
D'BARA AND D'BARA
SUITE 1508 WILKINSON
SAN FRANCISCO 4
EXHIBIT 0-8577

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A Communication
of Extreme Importance

TO
CALIFORNIA DEMOCRATS

from the
Committee for the
Preservation of the
Democratic Party
in California



BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8092

EXHIBIT A

1 GERALD J. O'GARA
O'GARA and O'GARA
2 1200 Mills Tower
San Francisco 4
3 EXbrook 2-2677
Attorneys for Plaintiffs

4 GERALD D. MARCUS
5 593 Market Street
San Francisco
6 Sutter 1-5500

7 WEBSTER V. CLARK
111 Sutter Street
8 San Francisco
EXbrook 2-1869
9 Of Counsel for Plaintiffs

FILED

NOV 2-1962

MARTIN MORGAN, Clerk

BY M. J. O'Gara
Deputy Clerk

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
11 CITY AND COUNTY OF SAN FRANCISCO

12 DEMOCRATIC STATE CENTRAL COMMITTEE, et al.,
13 Plaintiffs,

14 -VS-

15 COMMITTEE FOR THE PRESERVATION OF THE
16 DEMOCRATIC PARTY IN CALIFORNIA, et al.,
17 Defendants.

No. 526150

NOTICE OF POSTING
BOND

18 TO ALL DEFENDANTS:

19 You and each of you are hereby notified that a bond in the
20 sum of \$10,000 has been posted with the clerk of the Court in
21 accordance with the order of the above entitled Court.

22 Dated: November 2, 1962.

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Gerald J. O'Gara
Gerald J. O'Gara
O'Gara and O'Gara

1 GERALD J. O'GARA
O'GARA and O'GARA
2 1200 Mills Tower
San Francisco 4
3 EXbrook 2-2677
Attorneys for Plaintiffs

4 GERALD D. MARCUS
5 593 Market Street
Sutter 1-5500
6 San Francisco

7 WEBSTER V. CLARK
111 Sutter Street
8 San Francisco
EXbrook 2-1869
9 Of Counsel for Plaintiffs

FILED

NOV 1 - 1962

MARTIN MONGAN, Clerk

BY *[Signature]*
Deputy Clerk

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
11 CITY AND COUNTY OF SAN FRANCISCO

12 DEMOCRATIC STATE CENTRAL COMMITTEE,
13 et al.,
14 Plaintiffs,

-VS-

15 COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
16 an unincorporated association, et al.,

17 Defendants.

No. 526150

ORDER CONTINUING HEARING
ON ORDER TO SHOW CAUSE
AND TEMPORARY RESTRAINING
ORDER.

18 GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that the
19 order to show cause heretofore issued in this matter be and the
20 same is hereby continued until November 2, 1962, at 2:00 P. M.
21 for calendar purposes. Pending preparation and signature by the
22 Court of said formal order as announced October 30, 1962, the
23 order continuing the hearing on the order to show cause and the
24 temporary restraining order heretofore made on October 26, 1962,
25 shall remain in full force and effect.

26 Done in open Court November 1, 1962.

27 *[Signature]*
28 Judge of the Superior Court

29 Approved as to form: November 1, 1962

30 *[Signature]*
Gerald J. O'Gara

31 *[Signature]*
32 Ralph Golub

[Signature]
Almon B. McCallum

[Signature]
Howard J. Finn

FILED

OCT 31 1962

MARTIN MONGAN, Clerk
ST. [Signature]
Deputy Clerk

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4, California
5 EXbrook 2-2677

6 Attorneys for Plaintiffs

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
9 THE CITY AND COUNTY OF SAN FRANCISCO

10 DEMOCRATIC STATE CENTRAL COMMITTEE, et al
11 Plaintiffs,

12 vs.

No. 526150

13 COMMITTEE FOR THE PRESERVATION OF THE
14 DEMOCRATIC PARTY IN CALIFORNIA, an un-
15 incorporated association, et al.

16 Defendants.

17 MEMORANDUM OF LAW IN SUPPORT OF INJUNCTION
18 PENDENTE LITE.

19 1. INTRODUCTION

20 The basic vices in defendants' publication are its falsity
21 and its anonymity. The two go together, for nobody wants to
22 be held responsible for falsehood and fraud. Both are violations
23 of the law, even in election campaigns. The Circuit Court of
24 Appeals for the District of Columbia describes the matter thus:

25 "All political parties identify themselves on the
26 air; otherwise their appeals are useless. The
27 only conceivable reason for anonymity of political
28 broadcasting is a purpose of deception, and that
29 purpose is enough to validate a requirement of
30 identification."

31 Communist Party of U.S. v. Subversive
32 Activities Control Bd. (1954) 223 F.2 531, 556

30 2. DEFENDANTS MATERIAL IS UNTRUE AND MISLEADING
31 ADVERTISING

32 By the use of the name "Committee for the Preservation of

1 of the Democratic Party in California" defendants are attempting
2 to use the name "DEMOCRATIC PARTY" to their own advantage.
3 This constitutes "untrue or misleading advertising" which is
4 enjoined under Civil Code §3369.

5 The concept of untrue or misleading advertising is not
6 limited to business organization. It has been applied to
7 incorporated church organizations (Purcell v. Summers (1944),
8 145 F. 2d 979); Salvation Army in the United States v. American
9 Salvation Army (1909), 120 N.Y.S. 471 among others. (See
10 citations in 27 A.L.R. 2d at 957).

11 The basic reasons for enjoining the use of a misleading name
12 are stated in the following quotation from the Circuit Court of
13 Appeals of the District of Columbia, which is directly applicable
14 to political parties:

15 "The use by one organization of the name of another
16 for the purpose of appropriating the standing
17 and good will which the other has built up
18 is a well recognized form of the wrong known to
19 the law as unfair competition, against which
20 courts of equity have not hesitated, in any
21 jurisdiction, to use the full power of the injunctive
22 process...Such simulation of names is restrained
23 not because 'there is property acquired by one
24 party in the name, but to prevent fraud and deception
25 in the dealing with the party charged with the
26 simulation of a name used by another in a similar
27 business or manufacture.' The subsequent
28 appropriator of the name or one confusingly similar
29 thereto usually 'seeks an unfair advantage, a free
30 ride on another's established good will ...
31 Usually his only purpose is to create confusion
32 as to source, and benefit by it.'

Source, reputation and good will are as important
to eleemosynary institutions as they are to business
organizations. Anything which tends to divert
membership or gifts of members from them injures
them with respect to their financial conditions
in the same way that a business corporation is
injured by diversion of trade or custom.
Distinct identity is just as important to such an
organization, oftentimes, as it is to a commercial
company. Its financial credit - its ability
to raise funds, its general reputation, the reputation
of those managing and supporting it, are all at
stake if its name is used by some other organization

and the two become confused in the minds of the public."

American Gold Star Mothers v. N.G.S.M. (1951)
191 F. 2d 488, 27 A.L.R. 2d 948, 951-952.

3. DEFENDANTS' MATERIAL VIOLATES THE ELECTIONS CODE

The following sections California Elections Code are being violated by the material published by defendants:

A. § 11592. Printed matter.

Every bill, placard, poster, pamphlet or other printed matter having reference to an election or to any candidate shall bear upon its face the name and address of the printer and publisher.

No payment therefor shall be made or allowed unless the name and address is so printed.

The post card obviously does not bear the name and address of the printer, even if the misleading name of defendant committee be taken as the name of the publisher.

B. § 12047. Unidentified circulars, pamphlets or posters.

Every person is guilty of a misdemeanor who writes or causes to be written, printed, posted, or distributed any circular, pamphlet, letter, or poster which is designed to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political action, unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place, the name and address of the printer and either:

(a) The name and address of the chairman and secretary or the names and addresses of at least two officers of the political or other organization issuing it; or

(b) The name and residence address, with the street and number, if any, of some voter of this State, who is responsible for it.

It is obvious that the defendants' material falls within this prohibition since it is expressly designed to defeat Governor Brown and the other statewide Democratic candidates for election.

It has been suggested that the name and address of the printer can be derived from the "union bug" which appears on the card. The Attorney General has rejected that argument in an official opinion which concluded:

"A requirement, then, that a name and address appear in a 'conspicuous place' would hardly be met by the use of a design composed of words often so small as to be unreadable by the average unassisted eye together with a number which has no meaning to an average person, both placed in a spot which may never be noticed by the average reader of a circular, pamphlet, letter or poster."
27 Ops. Atty. Gen. 214, 216

The plain meaning rule was never more appropriately invoked. Furthermore, the postcard does not appear to bear the identification number which usually follows the "union bug" to identify the particular printing shop at which the work was done.

"C. §12301. Required Consent for Solicitation. It is unlawful for any person which includes in any part of its name the name of any political party which was qualified to participate in the last preceding primary election, to directly or indirectly solicit funds for any purpose whatsoever upon the representation either express or implied that the funds are being solicited for the use of that political party unless that person shall have previously obtained the written consent of one of the following: National committeeman or committeewoman from California, chairman of the state central committee, executive committee of the state central committee or executive committee of the county central committee of the party whose name is being used in the county in which the solicitation is to be made. If the county central committee of the party in that county does not have an executive committee, the written consent of the chairman and secretary of that county central committee is sufficient.

The defendants' material obviously solicits funds and therefore falls squarely under the foregoing section.

4. DEFENDANTS' MATERIAL VIOLATES FEDERAL LAW

A. Not only does the defendants' material contravene State law, but Federal law as well.

United States Code, Title 18, Section 612 provides:

"PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS

Whoever willfully publishes or distributes or causes to be published or distributed, or for the purpose of publishing or distributing the same, knowingly deposits for mailing or delivery or causes to be deposited for mailing or delivery, or, except in cases of employees of the Post Office Department in the official discharge of their duties, knowingly transports or causes to be transported in interstate commerce any card, pamphlet, circular, poster, dodger, advertisement, writing, or other statement relating

to or concerning any person who has publicly declared his intention to seek the office of President, or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to Congress, in a primary, general, or special election, or convention of a political party, or has caused or permitted his intention to do so to be publicly declared, which does not contain the names of the persons, associations, committees, and corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (Emphasis added)

B. And, as far as the radio broadcasting of defendants' material is concerned, federal law requires that there too the name of the person furnishing the material be broadcast:

47 USC §317 provides:

ANNOUNCEMENT OF PAYMENT FOR BROADCAST--DISCLOSURE OF PERSON FURNISHING

(a) (1) All matter broadcast by any radio station for which any money, service or other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person: PROVIDED, That "service or other valuable consideration" shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast.

(2) Nothing in this section shall preclude the Commission from requiring that an appropriate announcement shall be made at the time of the broadcast in the case of any political program or any program involving the discussion of any controversial issue for which any films, records, transcriptions, talent, scripts, or other material or service of any kind have been furnished, without charge or at a nominal charge, directly or indirectly, as an inducement to the broadcast of such program.

5. PLAINTIFFS HAVE STANDING TO COMPLAIN OF DEFENDANTS'

CONDUCT. Elections Code §8231 - Party Campaigns.

"Each state central committee shall conduct party campaigns for the party to which it belongs and in behalf of the candidates of its party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign

1 organizations it deems suitable or desirable and
2 for the best interest of the party."

3 The right of a political party to maintain an action in
4 its own name is unquestioned.

5 Communist Party v. Peek 20 C.2d 536; (1942)
6 Independence League v. Taylor 154 C. 179 (1908)
7 Socialist Party v. Uhl 155 C. 776. (1909)

8 6. An injunction may be granted herein under each of the
9 following subparagraphs of section 526, C.C.P.:

- 10 1. When it appears by the complaint that the
11 plaintiff is entitled to the relief demanded,
12 and such relief, or any part thereof, consists
13 in restraining the commission or continuance
14 of the act complained of, either for a limited
15 period or perpetually;
- 16 2. When it appears by the complaint or affidavits
17 that the commission or continuance of some
18 act during the litigation would produce waste,
19 or great or irreparable injury, to a party
20 to the action;
- 21 3. When it appears, during the litigation, that
22 a party to the action is doing, or threatens,
23 or is about to do, or is procuring or suffering
24 to be done, some act in violation of the
25 rights of another party to the action respecting
26 the subject of the action, and tending to render
27 the judgment ineffectual;
- 28 4. When pecuniary compensation would not afford
29 adequate relief;
- 30 5. Where it would be extremely difficult to
31 ascertain the amount of compensation which
32 would afford adequate relief;
3. Where the restraint is necessary to prevent
a multiplicity of judicial proceedings;

33 This case does not fall within any of the provisions of
34 section 526, C.C.P. which prohibit the granting of an injunction.

35 7. Injunctive relief is available even in cases where property
36 rights, in the strict sense, are not adversely affected, and
37 though the enjoined conduct may be criminal.

(1924) 227 P. 908

38 In re Wood, 194 C. 49 (injunction available to enjoin
39 criminal syndicalism.)

40 Dandini v. Dandini (1948) 86 C.A. 2d 748, 195 P. 2d

41 871, 876-87. (Injunction available to enjoin bigamous
42 marriage.)

Orloff v. Los Angeles Turf Club (1947) 30 C. 2d 110,
180 P. 2d 321. (Injunction available to prevent
unlawful ejection from a race-course.)

Herald v. Glendale (1920) 46 C.A. 325, 189 P. 329.
46 C.A. 325 (1920)

In Herald v. Glendale Lodge No. 1289, B.P.O.E.
plaintiff sought an injunction on the basis he was a member of
a lodge and as such directly and financially interested in its
affairs; the lodge was illegally serving beer, as a result
plaintiff alleged the lodge and its members would be subject
to prosecution, fines and penalties. The court granted the
injunction saying: "...it is equally well settled that injunction
may issue to restrain the commission of acts which are violative of
public policy, which create a nuisance or assail the rights of
property, although such acts are crimes and punishable as such."

The statutes which are being violated in this action
were enacted for the protection of the public and to ensure
against corruption, deception and misunderstandings in
political campaigns and elections.

Plaintiffs therefore respectfully request that the
court issue a preliminary injunction to prevent further
irreparable injury to plaintiffs during the remaining days of
the election.

Dated: October 29, 1962.

Respectfully submitted.


Gerald J. O'Gara
O'Gara and O'Gara

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677
6 Attorneys for Plaintiffs

7 GERALD D. MARCUS
8 593 Market Street
9 Sutter 1-5500
10 San Francisco

11 WEBSTER V. CLARK
12 111 Sutter Street
13 San Francisco
14 EXbrook 2-1869
15 Of Counsel for Plaintiffs

16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
17 CITY AND COUNTY OF SAN FRANCISCO

18 DEMOCRATIC STATE CENTRAL COMMITTEE,
19 et al.,

Plaintiffs,

20 -VS-

21 COMMITTEE FOR THE PRESERVATION OF
22 THE DEMOCRATIC PARTY IN CALIFORNIA,
23 an unincorporated association,
24 et al.,

Defendants.

25 GOOD CAUSE APPEARING THEREFOR; IT IS HEREBY ORDERED that the
26 order to show cause heretofore issued in this matter be and the
27 same is hereby continued until ^{7:00 a.m. 10/31/62} October 31, 1962, at 2:00 P. M.
28 for calendar purposes. Pending preparation and signature by the
29 Court of said formal order as announced October 30, 1962, the
30 order continuing the hearing on the order to show cause and the
31 temporary restraining order heretofore made on October 26, 1962,
32 shall remain in full force and effect.

Done in open Court October 31, 1962.

Judge of the Superior Court

Approved as to form: October 31, 1962

Gerald J. O'Gara

Ralph Golub

Almon B. McCallum

Howard A. Finn

FILED

OCT 31 1962

MARTIN MORGAN, Clerk
Deputy Clerk

RALPH GOLUB
ATTORNEY AT LAW
628 MARKET STREET
SAN FRANCISCO 5
DOUGLAS 2-5077

October 29, 1962

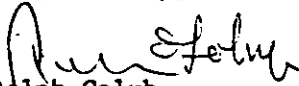
The Honorable Byron Arnold
Judge of the Superior Court
City Hall
San Francisco, California

Re: Democratic State Central Committee, et
al., plaintiffs, vs. Committee for the
Preservation of the Democratic Party
in California, et al., defendants,
No. 526150

Dear Judge Arnold:

In view of the attached Points and Authorities
in Opposition to Motion for Preliminary Injunction, I
feel that the statement you requested regarding the
alleged violations of the Elections Code by the defendants
is moot.

Respectfully,


Ralph Golub

RG:njs

1. - Using the name of Democratic Party
without consent of the officers of that party;
2. - Card fails to set forth the names of and
residence addresses of the officers
of Committee for the Preservation of the
Democratic Party
3. - Fails to set forth the name and
address of the printer of the card

1 GERALD J. O'GARA
O'GARA and O'GARA
2 1200 Mills Tower
San Francisco 4, California
3 EXbrook 2-2677

4 Attorneys for Plaintiffs

FILED

OCT 29 1962

MARTIN MONGAN, Clerk

By *M. Mongan*
Deputy Clerk

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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
9 THE CITY AND COUNTY OF SAN FRANCISCO

10 DEMOCRATIC STATE CENTRAL COMMITTEE,
et al,

11 Plaintiffs,

12 -vs-

13 COMMITTEE FOR THE PRESERVATION OF
14 THE DEMOCRATIC PARTY IN CALIFORNIA,
et al,

15 Defendants.

No. 526150
DECLARATION OF
ELIZABETH RUDEL GATOV

17 I, the undersigned, Elizabeth Rudel Gatov, hereby declare
18 I am the Democratic National Committeewoman for California on
19 the Democratic National Committee. I am active in all State-
20 wide campaigns supporting the Democratic nominees in the November
21 6, 1962 election.

22 I am familiar with the effect of the publication and cir-
23 culation of the postcard attached to the complaint and marked
24 Exhibit A.

25 The effect of the distribution of thousands of copies of
26 that postcard has been to confuse and mislead the Democratic
27 voters throughout California.

28 For example, I cite the following instances which have come
29 to my personal attention:

30 1. On or about Monday, October 22, 1962 I participated in
31 a telethon at Sacramento at which Governor Edmund G. Brown, the
32 Democratic candidate for re-election as Governor, was the

1 featured speaker.

2 A number of persons who telephoned to the studio asking
3 questions of the Governor asked questions which were substantially
4 the same as the questions on the postcard attached to the complaint.
5 The questions which I personally heard were hostile to Governor
6 Brown and to the California Democratic Council.

7 The substance of the questions was to the effect that
8 the questioners believe the pamphlet's statements that the
9 California Democratic Council is a left wing organization. I
10 personally know that the California Democratic Council is a group
11 of true and loyal Americans and Californians devoted to the best
12 interests of their nation and State. However, the persons who
13 telephoned obviously had been confused by the contents of the
14 postcard. They expressed hostility towards Governor Brown in
15 terms almost identical with those on the postcard.

16 2. My headquarters in the present campaign is at the
17 Northern California Governor Brown Headquarters, 505 Market Street,
18 San Francisco. There I have personally answered a number of
19 telephone calls concerning this postcard, during the past week.
20 These persons who telephoned, from the nature of their questions
21 and their tone of voice, appeared to be friendly towards Governor
22 Brown and the Democratic Party. However, they were definitely
23 confused as to his position with reference to the issues mention-
24 ed in the postcard. They clearly seemed to have been misled by
25 the statements in the postcard which have been complained of in
26 the complaint and declaration of Roger Kent on file herein.

27 3. In addition, members of the staff at headquarters, work-
28 ing under my supervision, have received a number of telephone
29 calls from loyal Democrats. Those Democrats said that while
30 they personally have not been confused by the postcards, their
31 friends, also loyal Democrats, have been so confused and misled
32

1 by the postcards that they are seriously considering not support-
2 ing Governor Brown.

3 I have occupied many positions in politics and government
4 including Treasurer of the United States.

5 From my experience I am strongly of the opinion that unless
6 immediately restrained, defendants will divert thousands of
7 dollars from the Democratic candidates to Republican campaigns.

8 I declare under penalty of perjury that the foregoing is
9 true and correct.

10 Executed at San Francisco, California this 24th day of
11 October, 1962.

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13 Elizabeth Rudel Gatov
14 Elizabeth Rudel Gatov
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GERALD J. O'GARA
O'GARA and O'GARA
1200 Mills Tower
San Francisco 4
EXbrook 2-2677

Attorneys for Plaintiffs

GERALD D. MARCUS
593 Market Street
Sutter 1-5500
San Francisco

Of Counsel for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
et al.,

Plaintiffs,

-vs-

COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association,
et al.,

Defendants.

FILED

OCT 30 1962

MARTIN MONGAN, Clerk

BY *C. P. Phipps*
Deputy Clerk

No. 526150

ORDER CONTINUING HEARING
ON ORDER TO SHOW CAUSE
AND TEMPORARY RESTRAINING
ORDER.

This matter came on for hearing this 30th day of October, 1962, before the Honorable Byron Arnold, Judge of the Superior Court in Department 5 thereof, Gerald J. O'Gara, Esq. and James A. O'Gara, Esq. and O'Gara and O'Gara and Gerald D. Marcus, Esq. and Webster Clark, appeared as attorneys for plaintiffs. Ralph Golub, Esq. appeared as attorney for defendants Committee for the Preservation of the Democratic Party in California, an unincorporated association, Joseph Robinson, Harry J. Boyle, Austin Healy, served herein as Third Doe, Robinson & Co., Inc., a corporation, served herein as Fourth Doe, William Marlin, individually and served herein as Eighth Doe, as Executive Secretary of defendant Committee for the Preservation of the Democratic Party in California, and Ed Fitzharris served herein as First Doe. Almon B. McCallum, Esq. appeared as attorney for defendant Crocker-Anglo National Bank. Howard J. Finn, Esq. and Brobeck, Phleger & Harrison appeared as attorneys for

1 defendant Recorder Printing and Publishing Company sued herein
2 as Thirteenth Doe, and for Bernhard A. Hanson, sued herein
3 as Fourteenth Doe.


4 The Court having announced its decision as to several matters
5 in connection with this action and having directed counsel for
6 all parties to agree upon the form of the court order or if they
7 cannot so agree to appear before the Court for determination of
8 the terms of said order, and it appearing that it is impossible
9 for said order to be presented to the Court for signature today,
10 and good cause appearing therefor and all interested parties
11 having so stipulated,


12 IT IS HEREBY ORDERED that the order to show cause heretofore
13 issued in this matter be and the same is hereby continued until
14 October 31, 1962, at 2:00 P. M. for calendar purposes. Pending
15 preparation and signature by the Court of said formal order as
16 announced today, the order continuing the hearing on the order to
17 show cause and the temporary restraining order heretofore made
18 on October 26, 1962, shall remain in full force and effect.

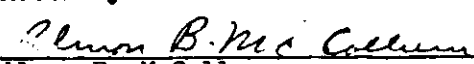
19 Done in open Court October 30, 1962.

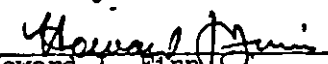
20 
21 Judge of the Superior Court

22 Approved as to form:

23 
24 Gerald J. O'Gara
25 O'Gara and O'Gara
26 Attorneys for Plaintiffs

27 
28 Ralph Golub
29 Attorney for Defendants as named above

30 
31 Almon B. McCallum
32 Attorney for Defendants as named above


Howard J. Finn
Brobeck, Phleger & Harrison
Attorneys for Defendants as named above

1 CECIL F. POOLE
2 United States Attorney

3 (Appearing Specially)

4 422 Post Office Building
5 Seventh and Mission Streets
6 San Francisco 1, California
7 Telephone: Market 1-2500

FILED

OCT 29 1962

MARTIN MONGAN, Clerk

[Signature]
Deputy Clerk

8
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
10 THE CITY AND COUNTY OF SAN FRANCISCO

11 DEMOCRATIC STATE CENTRAL COMMITTEE,
12 ROGER KENT, individually and as a member
13 and officer of the Democratic Party and
14 Democratic State Central Committee and
ELIZABETH RUDEL GATOV, individually and
as Democratic National Committeewoman,

15 Plaintiffs,

16 vs.

No. 526150

17 COMMITTEE FOR THE PRESERVATION OF THE
18 DEMOCRATIC PARTY IN CALIFORNIA, an
19 unincorporated association, JOSEPH
20 ROBINSON, WILLIAM MARLIN, HARRY J.
BOYLE, First Doe through Twentieth Doe,
individuals, associations and corporations,

21 Defendants.

22 MEMORANDUM IN SUPPORT OF MOTION TO DISSOLVE,
23 DISCHARGE, AND DISMISS AS TO CERTAIN DEFENDANTS
24

25 This Court lacks jurisdiction to restrain the defendant John
26 F. Fixa, United States Postmaster at San Francisco (served herein
27 as Sixth Doe), or any other United States Postmaster, as sought in
28 this action, for the following reasons:

- 29 1. The United States as sovereign is immune
30 from suit, save as it consents to be sued. E.g.,

31 U.S. v. Sherwood
32 312 U.S. 584 (1941)

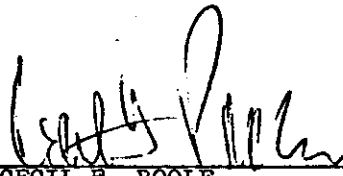
1 2. An action against a Federal officer in
2 the performance of his official duty is
3 in effect a suit against the United States,
4 to which it has not consented. E.g.,

5 Larson v. Domestic and
6 Foreign Commerce Corp.
7 337 U.S. 682 (1949)

8 3. The present action, insofar as it seeks to
9 restrain John F. Fixa as United States Post-
10 master at San Francisco, California, and any
11 other United States Postmasters who have or
12 may be served herein, is an action to restrain
13 them in the performance of their official
14 duties, and an action against the United States,
15 to which it has not consented.

16 The temporary restraining order should accordingly be
17 dissolved, the order to show cause discharged, and the action
18 dismissed as against said John F. Fixa and any other United States
19 Postmasters who have or may be served herein.

20 Dated: October 26, 1962.

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23 
24 CECIL F. POOLE
25 United States Attorney
26 (Appearing Specially)
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FILED

OCT 29 1962

MARTIN MORGAN, Clerk

By *[Signature]*
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
THE CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
ROGER KENT, individually and as a
member and officer of the Democratic
Party and Democratic State Central
Committee and ELIZABETH RUDEL GATOV,
individually and as Democratic
National Committeewoman,

Plaintiffs,

No. 526150

vs.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA, an
unincorporated association, JOSEPH
ROBINSON, WILLIAM MARLIN, HARRY J.
BOYLE, First Doe through Twentieth Doe,
individuals, associations and corporations,

Defendants.

DECLARATION OF THOMAS L. GILLAM

I, the undersigned, THOMAS L. GILLAM, hereby declare:

1. That I am an officer, to wit, Assistant Cashier, of
Crocker-Anglo National Bank, a national banking association.

2. That said Bank has not authorized or consented to the
use of its name in connection with, or to any holding out or
representation that it is connected with, and is not a party to,
any of the following:

(a) The publishing, posting, mailing, circulating or
distributing of any postcard, pamphlet, folder, letter or writ-
ing in the form of Exhibit A attached to the Complaint in the
above-entitled matter or in any form similar thereto;

1 (b) The publishing, posting, mailing, circulating or
2 distributing of any results from any poll which has been or is
3 being conducted by means of said Exhibit A; or

4 (c) The soliciting, collecting or accepting of money
5 from Democratic voter or Democratic voters by using, directly or
6 indirectly, any postcard, pamphlet, folder, letter or writing in
7 the form of said Exhibit A or in any form similar thereto.

8 3. That the foregoing declaration is true of my own knowl-
9 edge and I declare under penalty of perjury that the same is true
10 and correct.

11 Executed in San Francisco, California, on October 25, 1962.

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RALPH GOLUB
625 Market Street
San Francisco 5, California
Telephone: DOuglas 2-5077

Attorney for Defendants

FILED

OCT 29 1962

MARTIN J. HANAGAN, Clerk
J. Thomas
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRA COMMITTEE,
ROGER KENT, et al.,

Plaintiffs,

vs.

COMMITTEE FOR THE PRESERVATION OF
THE DEMOCRATIC PARTY IN CALIFORNIA,
an unincorporated association,
et al.,

Defendants.

No. 526150

POINTS AND AUTHORITIES IN
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION

The temporary restraining order must be dissolved and
a preliminary injunction denied because the issuance and existence
of either a temporary restraining order or a preliminary injunction
violates the defendants' right of free speech under the
Fourteenth Amendment to the Constitution of the United States,
under Article I, Section 9 of the Constitution of the State of
California, and because this Court lacks jurisdiction to enjoin
the commission of misdemeanor under the provisions of the
Elections Code of the State of California.

I.

THE FOURTEENTH AMENDMENT OF THE CONSTITUTION OF
THE UNITED STATES

In Near vs. Minnesota, 283 U. S. 697, 51 S. Ct. 625,
75 L. Ed. 1357, defendants had been enjoined from publishing a
newspaper deemed to be malicious, scandalous and defamatory
pursuant to a statute declaring the publication of such a news-

1 paper to be a nuisance and providing that such persons guilty of
2 such nuisance might be enjoined.

3 The material deemed to be scandalous and defamatory
4 consisted of serious charges of malfeasance in office and dere-
5 liction of duty against the Chief of Police of Minneapolis,
6 other law enforcement agents, the County Attorney and the Mayor.

7 The Supreme Court of the State of Minnesota upheld
8 the constitutionality of the law and issued a permanent injunc-
9 tion against the publication of the newspaper by the defendants.

10 On appeal to the United States Supreme Court, the
11 judgment was reversed.

12 Among other things, United States Supreme Court said:

13 "...It is no longer open to doubt that the
14 liberty of the press and of speech is within
15 the liberty safeguarded by the due process
16 clause of the Fourteenth Amendment, Invasion
17 by State Action. ..."

18 * * *

19 "The question is whether a statute authorizing
20 such proceedings in restraint of publication
21 is consistent with the conception of the
22 liberty of the press as historically con-
23 ceived and guaranteed. In determining the
24 extent of the constitutional protection, it
25 has been generally, if not universally,
26 considered that it is the chief purpose of
27 the guaranty to prevent previous restraints
28 upon publication. ..."

29 * * *

30 "...liberty of the press, historically consid-
31 ered and taken up by the Federal Constitution,
32 has meant, principally although not
33 exclusively, immunity from previous restraint
34 on censorship...that liberty was especially
35 cherished for the immunity it afforded from
36 previous restraints of the publication of
37 censure of public officers and charges of
38 official misconduct. ..."

39 And, finally, the Court said:

40 "...We should add that this decision rests
41 upon the operation and effect of the statute,
42 without regard to the question of the truth
43 of the charges contained in the particular
44 periodical. The fact that the public offices

1 named in this case and those associated with
2 the charges of official dereliction, may be
3 deemed to be impeccable, cannot affect the
4 conclusion that the statute imposes an
5 unconstitutional restraint upon publication."

6 If, therefore, it were to be assumed that every word
7 in the postcard (Exhibit A to the Complaint) was false and
8 untrue, prevention of its publication, posting, mailing, circu-
9 lation or distribution would be a violation of the defendants'
10 constitutional rights of free speech.

11 But, this is not the case.

12 Plaintiffs have not alleged the falsity of the
13 representation as to the CDC's leadership's objectives and view-
14 points. They have not alleged the falsity of the representation
15 that the Democratic party ticket is composed entirely of CDC
16 nominees. They have not alleged it to be false that Governor
17 Brown has stated that he would veto any legislation damaging to
18 the CDC, nor that Brown has spoken favorably of the CDC.

19 The only thing that plaintiffs have alleged to be false
20 are the conclusions drawn from facts which must be considered
21 to be true, and once it is admitted that these underlying facts
22 are true, it seems obvious that the conclusions drawn are such
23 as can reasonably be drawn within the scope of fair political
24 comment. In Near, a statute was declared unconstitutional.

25 In Bridges vs. California, 314 U. S. 252, 62 S. Ct.
26 190, 86 L. Ed. 192, judge-made law restricting freedom of speech
27 was set aside.

28 In the case at bar, the restriction on free speech has
29 been imposed by judge-made law, the issuance of the temporary
30 restraining order, and it must be set aside and a preliminary
31 injunction denied in order to preserve defendants' constitutional
32 rights.

II.

CALIFORNIA CONSTITUTION, ARTICLE I, SECTION 9

Article I, Section 9, of the California Constitution provides:

"...Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. ..."

In Dailey vs. Superior Court, 112 Cal. 94, an order was made by the Superior Court directing the petitioner to desist from giving a public performance of a play on the theory that production of the play might interfere with the administration of justice in connection with a murder trial pending in the Court. The play was based upon the facts of the case as developed at the preliminary examination and at the coroner's inquest.

On certiorari, the Supreme Court annulled the order holding that the Superior Court had no jurisdiction to make the order which was an attempted infringement on the rights guaranteed to every citizen by Article I, Section 9, of the State Constitution.

In its opinion (T. 98), the Court quoted Storey on the Constitution as saying:

"'Indeed, the liberty of the press...is the right to publish without any previous restraint or license; ...'"

and Storey's Equity Jurisprudence, as follows:

"'...courts of equity...have never assumed... to restrain any publication...upon the mere ground that it is of a libelous character and tends to the degradation or injury of the reputation or business of the plaintiff who seeks relief against such publication.' ..."

The Court also cited and quoted from Brandreth vs. Lance, 8 Paige 26, 34 Am. Dec. 368, as follows:

"It is very evident that this Court cannot assume jurisdiction of the case presented by the complainants' bill, or of any case

1 of like nature, without infringing upon the
2 liberty of the press, and attempting to
3 exercise a power of preventative justice which,
4 as the legislature has decided, cannot safely
5 be entrusted to any tribunal consistently
6 with the principles of free government."

7 In that case, plaintiff sought to restrain the defendants from
8 publishing a ludicrous biography of plaintiff which would libel
9 him and bring him into public disgrace and contempt. An injunc-
10 tion was denied.

11 In Re Porterfield, 28 Cal. 2d 91, 168 P.2d 706, the
12 Court characterized the right of free speech protected by the
13 Constitution guaranty as:

14 "...To prevent previous restraint upon...
15 or the stifling of efforts pointing toward,
16 enlightenment of individuals upon or
17 concerning their rights and beliefs and the
18 duties of their rulers...[It] includes...
19 freedom of expressions on political...
20 subjects..."

21 Thus, we see that California courts independently of
22 the provisions of the United States Constitution, have decided
23 that State constitutional rights are infringed by attempts at
24 prior censorship of facts and the opinion.

25 If Governor Brown loves, and is loved by the CDC, a
26 fair inference may be drawn that he subscribes to their causes;
27 it is a matter of common knowledge that large numbers of people
28 do not believe in these causes. Indeed, they believe them to be
29 fraught with danger and peril, and, certainly, "freedom of
30 expression on political subjects" must include the right to
31 inform all persons that there is danger of these causes being
32 followed by the election of those who espouse them. To take up
33 a timely topic--should the CDC or Governor Brown espouse the
34 question of missiles for Cuba, could anyone be allowed to inform
35 the electorate of that fact?

III.

THE COURT HAS NO JURISDICTION TO RESTRAIN
VIOLATIONS OF ELECTIONS CODE SECTIONS
11592, 12047 AND 12301

The above sections are clearly penal in nature as the Elections Code provides that a violation of any of their provisions is a misdemeanor.

The Supreme Court of the State of California, in People vs. Lim, 18 Cal. 2d 872, said:

"...We think the proper rule, therefore, and the one to which this state is committed is expressed in the following language from State v. Ehrlick, supra: 'It is also competent for the Legislature, within the constitutional limits of its powers, to declare any act criminal and make the repetition or continuance thereof a public nuisance ...or to vest in courts of equity the power to abate them by injunction; but it is not the province of the courts to ordain such jurisdiction for themselves.'"

The California Supreme Court in the Lim case, on page 80 of its opinion, also said:

"...it is apparent that the equitable remedy has the collateral effect of depriving a defendant of the jury trial to which he would be entitled in a criminal prosecution for violating exactly the same standards of public policy. (See State v. Vaughn, supra, p. 690; 5 Pomeroy, supra, p. 4299.) The defendant also loses the protection of the higher burden of proof required in criminal prosecutions and, after imprisonment and fine for violation of the equity injunction, may be subjected under the criminal law to similar punishment for the same acts. For these reasons equity is loath to interfere where the standards of public policy can be enforced by resort to the criminal law, and in the absence of a legislative declaration to that effect, the courts should not broaden the field in which injunctions against criminal activity will be granted. ..."

And, in International etc. Workers vs. Landowitz, 20 Cal. 2d 418, where the plaintiff union, by its president, sought to enjoin the defendants who were individual owners and operators of cleaning and pressing shops in San Francisco from violating any

1 of the provisions of an ordinance, which ordinance provided that
2 a violation of any provision or provisions of the ordinance
3 shall be a misdemeanor, the Supreme Court said:

4 "...In view of the well-established doctrine
5 that equity will not ordinarily restrain
6 the violation of a penal law...and in view
7 of the fact that this ordinance is clearly
8 penal in nature, it follows that plaintiffs'
9 action in equity to restrain its violation
10 requires specific authorization, in the
11 absence of which it must be held that the
12 complaint fails to state a cause of action."

13 Assuming arguendo that defendants have violated the
14 provisions of said Elections Code sections, any of such viola-
15 tions cannot under any theory or construction be deemed a
16 nuisance as defined by the Civil Code and fall within the excep-
17 tion enunciated by the Court in the Lim case.

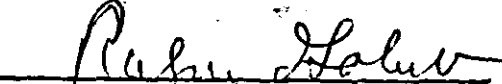
18 IV.

19 THE TEMPORARY RESTRAINING ORDER AND TEMPORARY
20 MANDATORY INJUNCTION ARE VOID

21 In Hunter vs. Superior Court, 36 C.A.2d 100, where the
22 petitioner proceeded in Prohibition to restrain the Superior
23 Court of Riverside County from taking any steps to punish
24 petitioner for contempt for violation of a judgment (even though
25 consented to by petitioner), the Court granted the writ and said:

26 "If a court grants relief, which under no
27 circumstances it has any authority to grant,
28 its judgment is to that extent void. ..."

29 Respectfully submitted,

30 

31 RALPH GOLUB
32 Attorney for Defendants

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677

6 Attorneys for Plaintiffs

FILED

OCT 29 1962

MARTIN MORGAN, Clerk

[Signature]
Deputy Clerk

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
9 THE CITY AND COUNTY OF SAN FRANCISCO.

10 DEMOCRATIC STATE CENTRAL COMMITTEE,
11 ROGER KENT, et al.,

12 Plaintiffs,

13 -VS-

14 COMMITTEE FOR THE PRESERVATION OF
15 THE DEMOCRATIC PARTY IN CALIFORNIA,
16 an unincorporated association,
17 et al.,

18 Defendants.

No. 526150

19
20 DECLARATION OF ROGER KENT IN OPPOSITION TO CONTINUANCE
21 OF HEARING OF ORDER TO SHOW CAUSE.

22 I, the undersigned, Roger Kent, hereby declare:

23 I am the Vice-Chairman of the plaintiff Democratic State
24 Central Committee of California and oppose any continuance of
25 the hearing of the order to show cause for preliminary injunction
26 beyond the absolutely minimum reasonable time which I believe
27 to be no later than Tuesday, October 30, 1962.

28 Since the filing of my first declaration in this action on
29 October 22, 1962, many telephone calls concerning the postcard
30 (Exhibit A to the complaint on file herein) have been coming in
31 to Democratic Headquarters throughout California. Most of the
32 persons who telephoned asked whether the postcard had come from
Democratic Headquarters and were curious to know why such a
card had been sent out. Many were in doubt as to whether the

1 Democratic State Central Committee or some other group had issued
2 the postcard.

3 Many telephone calls of this kind have been received by
4 Democratic State Central Committee, Democratic County Committees
5 and Democratic campaign headquarters in Northern California
6 during the past week.

7 I incorporate by reference herein the statements in the
8 complaint and in my first declaration.

9 I have worked in the Democratic Party principally in
10 Northern California for more than fourteen years and at all levels
11 of the party. During that time I never heard of Austin Healey,
12 Harry Boyle or William Marlin, who are the only persons so far
13 identified as associated with the so-called "Committee for the
14 Preservation of the Democratic Party in California." To my
15 knowledge they have never shown any interest in working for the
16 Democratic Party in California or any interest in preserving it
17 in California or anywhere else. For that reason I urge that a
18 speedy hearing be held to determine and establish the connection
19 of Marlin, Boyle and Healey with the Republican Party and the
20 Nixon campaign.

21 In my opinion, such a speedy hearing will definitely
22 establish that the defendant Committee for the Preservation of
23 the Democratic Party is in truth and fact a front for the
24 campaign of Nixon for Governor and an effort to use the dollars
25 of Democrats to defeat Democratic candidates.

26 From my knowledge and experience in politics I state as
27 my opinion that unless the order to show cause is promptly held
28 and adjudicated thousands of Democratic voters will be misled
29 by this pamphlet. Many will send money to the defendants in the
30 mistaken belief that they are contributing to the support and
31 preservation of the Democratic Party.

32 If any continuance on the order to show cause is granted

1 I respectfully request that it be made contingent upon
2 performance of the following conditions by defendants:

3 1. Stipulating to taking of depositions of all such
4 defendants on Monday, October 29, 1962.

5 2. Furnishing to plaintiffs on Monday, October 29, 1962,
6 the matters requested in the declaration of Gerald J. O'Gara for
7 issuance of subpoena duces tecum.

8 3. Immediate removal by said defendants from all post
9 offices in California of said postcard attached as Exhibit A to
10 the complaint.

11 If the hearing on the order to show cause is continued
12 beyond Tuesday, October 30, I believe that regardless of the
13 Court's ruling thereon it will be too late to adequately inform
14 Democratic voters of the result of the Court's hearing and
15 the facts developed therein.

16 I make this declaration for myself individually. I also
17 make it in behalf of the plaintiff Democratic State Central
18 Committee and in behalf of the members of the Democratic Party.
19 In making this declaration and my previous declaration and in
20 signing the complaint and prosecuting this action I have the
21 full authorization of the Democratic State Central Committee and
22 its officers.

23 I declare under penalty of perjury that the foregoing is
24 true and correct.

25 Executed at San Francisco, California, on October 25, 1962.

26
27 Roger Kent
28 Roger Kent
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-1-

1 appeared specially as attorney for John F. Fixa, United States
2 Postmaster in San Francisco and served herein as Sixth Doe.
3 United States Attorney Poole, appearing specially, moved to
4 dissolve the temporary restraining order heretofore served on
5 defendant John F. Fixa, United States Postmaster at San Francisco
6 (served herein as Sixth Doe), discharge the order to show cause
7 and dismiss the action as against said John F. Fixa and any other
8 United States Postmasters who have or may be served herein.

9 Ralph Golub, Esq., as attorney for defendants above-named
10 moved that pursuant to Code of Civil Procedure, Section 527,
11 that hearing of the order to show cause be continued to a date
12 after November 6 and that the temporary restraining order heretofore
13 issued be continued in full force and effect pending such hearing.

14 He further stipulated that pending such hearing the
15 temporary restraining order issued herein on October 22, 1962
16 and now in effect shall be extended to include a temporary
17 mandatory injunction under the terms of which all defendants
18 shall immediately remove from all United States Postoffices
19 in California all postcards in the form of or substantially
20 in the form of Exhibit A attached hereto and to the complaint
21 herein.

22 He further stipulated that service upon him as attorney
23 for said defendants whom he represents shall have the same
24 force and effect as personal service upon said defendants.
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1 NOW, THEREFORE, good cause appearing,

2 IT IS HEREBY ORDERED THAT:

3 1. As to defendant John F. Fixa, Postmaster at San
4 Francisco, served herein as Sixth Doe, the temporary restraining
5 order herein is hereby dissolved, the order to show cause dis-
6 missed and said defendant John F. Fixa, U. S. Postmaster at
7 San Francisco is hereby dismissed.

8 2. The hearing on the Order to Show Cause in the above
9 entitled matter, set for October 26, 1962 be and the same is
10 hereby continued until October 30, 1962 at 10:30 o'clock A.M.,

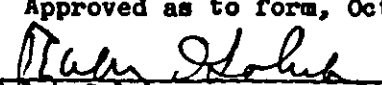
11 3. The plaintiffs having filed herein the surety bond as
12 ordered by this Court, the temporary restraining order of this
13 Court presently in effect is hereby modified to extend said
14 temporary restraining order to include a temporary mandatory
15 injunction ordering all defendants to immediately remove from
16 all United States Postoffices in California all postcards in
17 the form of or substantially in the form of Exhibit A attached
18 hereto and to the complaint herein. Said modified temporary
19 restraining order shall remain in full force and effect pending
20 the hearing of said Order to Show Cause on October 30, 1962.

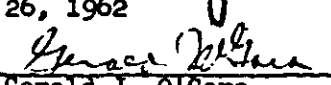
21 4. The time for serving a copy of the complaint and
22 supporting declarations and points and authorities, together
23 with a copy of the Order to Show Cause and temporary restraining
24 order issued by this Court on October 22, 1962 and a copy of
25 this order and supporting declarations is hereby further
26 shortened so that the same may be served on defendants not
27 heretofore served not later than October 27, 1962 at 12 o'clock
28 P.M., midnight of said day.

29 Done in open Court October 26, 1962.

30 
31 Judge of the Superior Court

32 Approved as to form, October 26, 1962


Ralph Golub
Attorney for defendants as
named above


Gerald J. O'Gara
O'Gara and O'Gara
Attorneys for Plaintiffs

LAW OFFICES OF
O'GARA AND O'GARA
SUITE 1200 HILLS TOWER
SAN FRANCISCO 4
EXCHANGE 2-2677

Dear Fellow Democrat:

This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

- Admitting Red China into the United Nations
- Moratorium on U. S. nuclear testing
- Allowing subversives to speak on college campuses
- Abolition of State and Federal loyalty oaths
- Abolition of the House Committee on Un-American Activities
- Foreign aid to countries with Communist governments
- Refusal to bar Communists from the Democratic Party

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or weakly, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would vote any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party?

Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own?

We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. Whatever we do, in the name of the Democratic Party—

Let's Not Deliver California to the CDC!

Committee for the Preservation of the Democratic Party in California
National Oil Bldg., 407 S. Grand, Los Angeles • Central Consular Bldg., 407 Market, San Francisco



TEAR OFF HERE - DO NOT MAIL AFTER OCTOBER 23, 1962



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The CDC!

Party in California
 607 Market, San Francisco

TEAR OFF HERE DO NOT MAIL ABOVE



BUSINESS REPLY MAIL
 First-Class Permit No. 2341, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
 DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California

Postage
 Will Be Paid
 by
 Addressee

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LET OFFERS BE
 OAKLAND O'BAMA
 174 1800 HILLS TOWER
 SAN FRANCISCO 4
 EXHIBIT 2-5377

EXHIBIT A

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*A Communication
of Extreme Importance
TO
CALIFORNIA DEMOCRATS
from the
Committee for the
Preservation of the
Democratic Party
in California*



BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8092

EXHIBIT A

ALL OFFICES OF
FORA AND O'DANA
1775 15TH AVENUE
SAN FRANCISCO 4
EXHIBIT 8-1677

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
San Francisco 4, California
EXbrook 2-2677

4 Attorneys for Plaintiffs

4 SUBPOENA ISSUED
FILED

OCT 25 1962

MARTIN MONGAN, Clerk

BY

A. Nixon
Deputy Clerk

5
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7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
9 THE CITY AND COUNTY OF SAN FRANCISCO

10 DEMOCRATIC STATE CENTRAL COMMITTEE,
11 ROGER KENT, individually and as a member
12 and officer of the Democratic Party and
Democratic State Central Committee and
13 ELIZABETH RUDEL GATOV, individually and
as Democratic National Committeewoman,

14 Plaintiffs,

15 vs.

No. 526150

16 COMMITTEE FOR THE PRESERVATION OF THE
17 DEMOCRATIC PARTY IN CALIFORNIA, an un-
18 incorporated association, JOSEPH ROBINSON,
WILLIAM MARLIN, HARRY J. BOYLE, First Doe
through Twentieth Doe, individuals, asso-
ciations and corporations,

DECLARATION FOR
ISSUANCE OF
SUBPENA DUCES TECUM

19 Defendants.

20 I, Gerald J. O'Gara, declare under penalty of perjury:

21 That I am an attorney-at-law, duly licensed to practice
22 my profession in all the Courts of California; that I am a member
23 of the law firm of O'Gara and O'Gara and am attorney of record
24 for the plaintiffs in the above-entitled action;

25 That I am authorized to and do make this declaration for
26 and on behalf of said plaintiffs:

27 The above-entitled action has been brought by plaintiffs
28 to recover damages and to restrain the publication, circulation,
29 distribution and mailing of the postcard attached hereto and
30 marked Exhibit A, hereinafter referred to as the Nixon postcard.

31 The persons named in the attached Subpena Duces Tecum /
32 are persons participating in the publication, circulation, dis-

1 tribution and mailing of said Nixon postcard; and/or compilation
2 of replies and tabulation of a poll described in said Nixon post-
3 card and are also participating in the collection of money solici-
4 ted by said Nixon postcard.

5 The following documents and records in the possession of
6 or under the control of the persons named in the attached Subpena
7 Duces Tecum are necessary and material to the issues involved in
8 this action:

9
10 All records, books, documents and other
11 things pertaining to or in any way concerning
12 the printing, publication, distribution and
mailing of said Nixon postcard;

13 All records, books, documents and other
14 things pertaining to or in any way concern-
15 ing the formation, organization and operation
16 of defendant, Committee for the Preservation
17 of the Democratic Party in California, includ-
18 ing but not limited to: books of account, mem-
19 bership lists, names of contributors, names of
20 officers of defendant, Committee for the Preser-
21 vation of the Democratic Party in California,
22 Minutes, preliminary and draft copies of said
23 Nixon postcard, bank signature cards, letters
24 and correspondence, bank deposit slips and
25 cancelled and uncanceled checks, photo copies
26 or other copies of any checks paid out for or
27 deposited by or to the account of said Committee
28 for the Preservation of the Democratic Party in
29 California, bank statements, ledger sheets, post
office receipts for mailings under San Francisco
bulk permit numbers 8092 and 2361, and post office
receipts for payments made for postage or other-
wise.

30 WHEREFORE, plaintiffs pray that a Subpena Duces Tecum
31 be issued requiring the named persons to attend at a session
32 of the above court and bring the papers, books, documents and
records hereinabove described.

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I declare under penalty of perjury that the foregoing
is true and correct.

Executed at San Francisco, California, this 25th day
of October, 1962.


Gerald J. O'Gara

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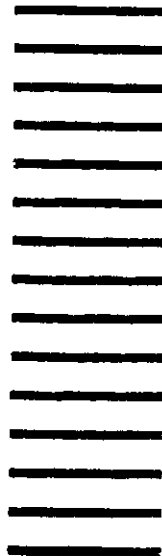
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 9-607 Market, San Francisco

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Division of
 1 and G-2
 22 Mills Road
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BUSINESS REPLY MAIL

First-Class Permit No. 2361, San Francisco, Calif.

COMMITTEE FOR THE PRESERVATION OF THE
 DEMOCRATIC PARTY IN CALIFORNIA

Central Consular Building,

607 Market Street,

San Francisco 5, California

EXHIBIT "A"

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Let's Not Deliver California to the CDC!

Committee for the Preservation of the Democratic Party in California
National Oil Bldg., 609 S. Grand, Los Angeles • Central Consular Bldg., 607 Market, San Francisco



TEAR OFF HERE — DO NOT MAIL AFTER OCTOBER 23, 1962



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Low postage at
O'DARA and O'DARA
Suite 1000, 1144 Van Ness
SAN FRANCISCO 4
California 94109

A Communication
of Extreme Importance

TO
CALIFORNIA DEMOCRATS

from the

Committee for the

Preservation of the

Democratic Party

in California



BULK RATE
U. S. POSTAGE
PAID
SAN FRANCISCO, CALIF.
PERMIT NO. 8092

EXHIBIT "A"

LIST OF WITNESSES

Ed Fitzharris, sued herein as First Doe

Joseph Robinson, individually and doing business as Robinson & Co., Inc. and as an officer of Robinson Co., Inc. sued herein as Fourth Doe.

Custodian of records of Robinson & Co., Inc., sued herein as Fourth Doe.

William Marlin, individually and as Executive Secretary of defendant Committee for the Preservation of the Democratic Party in California.

Lester Bartman, as an officer of the Crocker-Anglo National Bank, sued herein as Ninth Doe and

Custodian of records of Crocker-Anglo National Bank, sued herein as Ninth Doe

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4, California
5 EXbrook 2-2677

6 Attorneys for Plaintiffs

FILED

OCT 24 1962

MARTIN MONGAN, Clerk

BY *[Signature]*
Deputy Clerk

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
9 THE CITY AND COUNTY OF SAN FRANCISCO

10 DEMOCRATIC STATE CENTRAL COMMITTEE,
11 et al,

12 Plaintiffs,

No. 526150

13 -vs-

DECLARATION

14 COMMITTEE FOR THE PRESERVATION OF THE
15 DEMOCRATIC PARTY IN CALIFORNIA, et al,

16 Defendants.

17 Gerald J. O'Gara hereby declares under penalty of perjury:

18 A continuing attempt has been made to serve the temporary
19 restraining order and order to show cause and supporting
20 documents in the above action on defendant William Marlin at
21 his home and office, 542 Panorama Way, San Francisco, since
22 said orders became effective at 9 o'clock ^{A.M.} / October 23, 1962.
23 Four process servers were employed in such effort, without
24 success. The defendant Marlin appears to have intentionally
25 evaded service of said process. The process servers employed
26 by the declarant used due diligence in attempting to effect
27 service prior to 5:00 o'clock P.M. on Tuesday, October 23,
28 1962 and were unable to effect service.

29 The defendant William Marlin is an essential party to
30 said proceedings above and said order to show cause, being
31 executive secretary for the Committee for the Preservation
32 of the Democratic Party in California, and one of the chief and
most active officers and members of said committee.

Executed at San Francisco, California on October 24, 1962.

[Signature]
Gerald J. O'Gara

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4
5 EXbrook 2-2677

FILED

OCT 24 1962

MARTIN MONGAN, Clerk

BY

A. Nelson
Deputy Clerk

6
7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
9 CITY AND COUNTY OF SAN FRANCISCO

10 DEMOCRATIC STATE CENTRAL COMMITTEE,
11 ROGER KENT, et al, Plaintiffs,

12 -VS-

13 COMMITTEE FOR THE PRESERVATION OF THE
14 DEMOCRATIC PARTY IN CALIFORNIA, an
15 unincorporated association, JOSEPH
16 ROBINSON, WILLIAM MARLIN, HARRY J.
17 BOYLE, First Doe through Twentieth
18 Doe, individuals, associations and
19 corporations,
20 Defendants.

No. 526150

ORDER SHORTENING TIME

21 TO DEFENDANTS ABOVE NAMED:

22 Upon motion and upon reading and filing declaration of
23 Gerald J. O'Gara, attorney for plaintiffs, and good cause
24 appearing therefor and plaintiffs having filed herein the surety
25 bond as ordered by this Court;

26 IT IS HEREBY ORDERED that the time for serving a copy of
27 the complaint and supporting affidavits and points and authorities
28 together with a copy of the order to show cause and temporary
29 restraining order issued by this Court on October 22, 1962,
30 is hereby further shortened so that the same may be served on
31 said defendants not later than October 24, 1962, at 12:00 p. m.
32 midnight of said day.

Dated: October 24, 1962

Handwritten Signature
Judge of the Superior Court

FILED

OCT 23 1962

MARTIN MCGAN, Clerk
By *Ed Thomas*
Deputy Clerk

1 GERALD J. O'GARA
2 O'GARA and O'GARA
3 1200 Mills Tower
4 San Francisco 4, California
5 EXbrook 2-2677
6
7 Attorneys for Plaintiffs
8

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
10 CITY AND COUNTY OF SAN FRANCISCO

11 DEMOCRATIC STATE CENTRAL COMMITTEE, et al,
12 Plaintiffs,
13 -vs-
14 COMMITTEE FOR THE PRESERVATION OF THE
15 DEMOCRATIC PARTY IN CALIFORNIA, et al,
16 Defendants.

No. 526150

NOTICE OF POSTING
BOND

17 You and each of you are hereby notified that a bond in
18 the sum of \$10,000 has been posted with the clerk of the Court
19 in accordance with the order of the above entitled Court.

20 Dated: October 23, 1962

Gerald J. O'Gara
O'Gara and O'Gara
O'Gara and O'Gara

GERALD J. O'GARA
O'GARA and O'GARA
1200 Mills Tower
San Francisco 4, California
EXbrook 2-2677

Attorneys for Plaintiffs

FILED

OCT 22 1962

MARTIN MORGAN, Clerk

BY *[Signature]*
ANDREY L. LEE

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
THE CITY AND COUNTY OF SAN FRANCISCO

DEMOCRATIC STATE CENTRAL COMMITTEE,
ROGER KENT, individually and as a member
and officer of the Democratic Party and
Democratic State Central Committee and
ELIZABETH RUDEL GATOV, individually and
as Democratic National Committeewoman,

Plaintiffs,

vs.

COMMITTEE FOR THE PRESERVATION OF THE
DEMOCRATIC PARTY IN CALIFORNIA, an
unincorporated association, JOSEPH
ROBINSON, WILLIAM MARLIN, HARRY J.
BOYLE, First Doe through Twentieth Doe,
individuals, associations and corporations,

Defendants.

No. 526150

ORDER TO SHOW CAUSE
AND TEMPORARY
RESTRAINING ORDER

TO: DEFENDANTS, COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC
PARTY IN CALIFORNIA, an unincorporated association, JOSEPH
ROBINSON, WILLIAM MARLIN, HARRY J. BOYLE, First Doe through
Twentieth Doe, individuals, associations and corporations.

Upon reading the verified complaint on file in this action
and the supporting declarations and points and authorities, and it
appearing to the satisfaction of the Court therefrom that this is
a proper case for granting an order to show cause and temporary
restraining order, and that unless a temporary restraining order
is granted as prayed for plaintiffs will suffer great and irrepar-
able injury before the matter can be heard on notice; now therefore

IT IS HEREBY ORDERED that the defendants and each of them,
shall appear before the above entitled Court in the courtroom of

1 the Honorable Byron Arnold, Judge of Law and Motion, Department 5,
2 Room 465, City Hall, San Francisco, California, on October 26,
3 1962 at the hour of 10:30 A.M., then and there to show cause, if
4 any they have, why they and each of them, and their agents, serv-
5 ants, employees, and representatives should not be enjoined and
6 restrained during the pendency of this action from engaging in or
7 performing, directly or indirectly any and all of the following
8 acts:

9 (a) Publishing, posting, mailing, circulating or dis-
10 tributing any postcard, pamphlet, folder, letter or writing in
11 the form of Exhibit A attached hereto or in any form substantially
12 similar to said Exhibit A.

13 (b) Publishing, posting, mailing, circulating or
14 distributing any results from any poll which they conducted or
15 are conducting by means of Exhibit A .

16 (c) Soliciting, collecting or accepting money from
17 Democratic voters by using directly or indirectly any postcard,
18 pamphlet, folder, letter or writing in the form of Exhibit A
19 or in any form substantially similar to Exhibit A .

20 (d) Using, appropriating, spending or disbursing any
21 money received in response to or in connection with said postcard.

22 IT IS FURTHER ORDERED that, pending the hearing of this order
23 to show cause, the defendants, and each of them, and their agents,
24 servants, employees and representatives, and all persons acting in
25 concert or participating with them, shall be and hereby are
26 restrained and enjoined from engaging in or performing, directly
27 or indirectly, any and all of the following acts:

28 (a) Publishing, posting, mailing, circulating or dis-
29 tributing any postcard, pamphlet, folder, letter or writing in the
30 form of Exhibit A attached hereto or in any form substantially
31 similar to said Exhibit A.

32 (b) Publishing, posting, mailing, circulating or